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COMMITTEE ON THE RIGHTS OF THE CHILD

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Initial reports of States parties due in 1992

Addendum

EL SALVADOR

[3 November 1992]

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I. INTRODUCTION

A. Diagnosis

1. Situation at the end of 1989*

1. At the end of the 1980s, El Salvador was in the midst of the worst, social, economic and political crisis in its history, after 10 years of internal conflict, misguided economic policies, adverse conditions abroad which affected its terms of trade, the 1986 earthquake and a very limited effort to cope with serious and growing social problems. The people were hard hit by the crisis and one third of the population of El Salvador was plunged into poverty, and another third into extreme poverty. Against this background, the difficult conditions already faced by a large part of the population of El Salvador grew markedly worse. Consequently, the family, the basic unit of society, was split; it too was affected, to the detriment of each of its members and especially the children, who, rather than being ready to learn and to play, had to cope with the harsh realities of life.

2. Serious obstacles have traditionally stood in the way of comprehensive family welfare services. At the institutional level, there was a complete lack of coordination and integration between the various public and private bodies and this led to low coverage in services and to such things as campaigns to foster an awareness of the importance of the responsibility of parents in children's upbringing; improved child care at centres created for this purpose, which are few in number and of poor quality; and fostering the recognition of children as beings in their own right and in need of special treatment. As to policy-making (there had never been a comprehensive social development strategy before), no Government had sought to assign clear priority to the family, or to the child.

3. In actual fact, there was never a consistent policy to integrate all the institutions assisting the family, viewed as the unit of society made up of the parents, the young children, adolescents and the elderly. The lack of institutional integration and coordination meant inefficient and ineffective use of the limited resources allocated to this field. The situation was made worse by the fact that the personnel in charge of guiding and following up programmes and projects, especially in the public agencies, had no technical and administrative training and this entailed serious shortcomings in looking after children in abnormal situations, such as children who had been abandoned or were at risk.

4. For all these reasons, a critical situation arose: the programmes and projects of the various institutions did not succeed in overcoming the coverage and quality limitations and did not diminish the serious problem of the break-up of the family. The main factors included: (i) the lack of

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* On the basis of the 1989-1994 Economic and Social Development Plan, pp. I, 71-72.

suitable programmes in civics and moral education; (ii) the absence of an organized system of information about the family so as to provide better services; (iii) the failure to coordinate programmes and projects carried out by various institutions; and (iv) the lack of participation by the community and other middle-level associations in the management and execution of support programmes to assist low-income, broken families. The prolonged armed conflict also played a large part in hastening family break-up and contributed to the spread of so many psychological traumas and to degrading acts such as the physical and sexual abuse of minors. This caused many further social problems which made comprehensive assistance to the family, and particularly to children and adolescents increasingly difficult.

2. Situation in August 1992

5. The basic objectives of the Government's 1989-1994 Social Development Plan are (i) to raise the standard of living of all Salvadorians, and (ii) to embark on a sustained process to eliminate extreme poverty over the long term. As the core of the overall strategy to achieve these goals, the Plan is a firm endeavour intended to redirect public spending and, over the medium term, to step up investment in human resources, with priority on fulfilling the main social needs, such as health and nutrition, education, protection of the environment, housing and basic services. It also clearly pinpoints the target population, namely the most vulnerable groups: children, women and the elderly.

6. Under the 1989-1994 Social Development Plan, action to achieve overall social development follows seven basic criteria:

(a) Focusing social spending on the poorest sectors;

(b) Decentralizing social services;

(c) Designing social allowances programmes that are directed to demand;

(d) Promoting private participation;

(e) Monitoring and continuously evaluating social programmes;

(f) Planning and coordinating resources and activities;

(g) Combining action with local government (municipalities).

Against this background of activities and goals set out in the Government's Social Development Plan, the President established an agency, the National Secretariat for the Family, intended chiefly to liaise with public and private institutions in matters pertaining to family policy and to coordinate, plan and evaluate the policy focused on the family group and each of its members.

7. Consistent with its family and child protection policy, the Government of El Salvador signed the Convention on the Rights of the Child on 26 January 1990, and the Convention was ratified by the Legislative Assembly on 27 April 1990, thereby becoming a law of the Republic. In this way, El Salvador was one of the first countries to sign the Convention.

8. In its first three years, the National Secretariat for the Family (SNF) set up five units for (i) children, (ii) adolescents, (iii) women, (iv) senior citizens and (v) community action. The SNF has made major advances, securing greater participation by the private sector, NGOs and some municipal authorities. In addition, in keeping with the Government's Social Development Plan and on the instructions of the President of the Republic, a preliminary document entitled "National Policy for Minors" has been worked out. This document is now under discussion with NGOs and specialists from government agencies, to incorporate their views and to submit the document to the Council of Ministers for approval. However, despite the headway made, in view of the limited financial and institutional resources, poor coordination, the shortage of trained personnel and the magnitude of the problems facing many Salvadorian families and children in mid-1989, an enormous amount of work still remains to be done in this field. Furthermore, the constraints owing to the internal conflict which El Salvador suffered up to the beginning of 1992 prevented State action in some areas of the country. What is more, social work still encounters some obstacles because some groups of the population in former areas of conflict resist any help from the Government, on political grounds.

B. Object of the report

9. Pursuant to article 44 of the Convention on the Rights of the Child, the Government of El Salvador hereby submits the initial report to the United Nations on the various measures adopted in the past two years to safeguard the rights of the child, as recognized in the Convention.

10. The report consists of eight sections on measures to implement the Convention, under various headings, and a final chapter that sets out conclusions. They detail:

(a) Salvadorian legislation in regard to the definition of the child. The chapter discusses the definition of the child and the age of legal majority; the special rules on the age of criminal responsibility; education; the labour regime; sexual consent and marriage; military service, protection against consumption of alcohol and drugs; legal disability to testify; and legal aid and medical examination. The main points of the planned legislative action in El Salvador are also mentioned;

(b) Measures of implementation relating to the observance of the two major underlying principles of the Convention: non-discrimination and the best interests of the child. Special attention has been paid to including the main functional and administrative steps taken for a full guarantee of application of the latter principle, along with the difficulties encountered;

(c) The situation under Salvadorian law regarding recognition and protection of the main civil rights and freedoms set out in the Convention. The most notable obstacles to full observance of these rights and freedoms are also discussed;

(d) The circumstances regarding the child's development in his family or other environment, as covered by Salvadorian law. Preliminary statistical data, subject to review, are also included, as well as an indication of the difficulties in this field;

(e) An analysis of health- and nutrition-related problems of Salvadorian children. Figures are given for infant mortality-morbidity and malnutrition, maternal mortality, breast-feeding and weaning. The difficulties in this sector are described, together with the Government's main achievements and the need for international aid in this field;

(f) An assessment of education and education-related problems, with explanations of the measures taken and the progress made in the 1990-1992 period in educational coverage and improved educational services. The importance of foreign technical and financial cooperation in achieving the targets is also discussed;

(g) Special protection measures, more particularly cases of children in emergency situations following the violent conflict in El Salvador. This section also describes the problems of children in conflict with the law, as well as children who are victims of abuse, drug addiction, trafficking and also exploitation of child labour. The difficulties in each of these fields are also shown;

(h) The policies, programmes, measures and activities which the Government of El Salvador intends to carry out to help and protect children and promote respect for children's rights. Mention is made of planned action in regard to legislation, non-discrimination, the best interests of the child, the rights and freedoms of the individual, protection of minors, health, education and children in situations of emergency.

C. Method of preparing the report

11. The National Secretariat for the Family (SNF) coordinated the work done in preparing this report by specialists of government agencies that play an active part in devising and implementing youth policies: the Ministry of Justice, the Ministry of Education, the Ministry of Health and the Ministry of Planning; the Supreme Court of Justice, the Attorney-General's Office, the Procurator-General's office, the Salvadorian Council for Minors, the National Commission for Area Restoration, and the Social Planning Committee/San Salvador Mayor's Office. The SNF also had assistance from UNICEF, through an external consultant.

12. The report was also based on a broad exchange of information at inter-agency meetings and at a seminar/workshop held to discuss the implementation of the Convention by each of the organizations concerned. At these meetings, the progress and difficulties over the past two years were discussed, as were the projects for making further headway in applying the Convention.

13. It should be noted that the preparation of the report has yielded additional benefits in that it has been possible to make a joint inter-agency evaluation and this has led to a new emphasis in some of the steps that have been taken or are in hand. This will doubtless lead to better care and protection for minors in El Salvador.

D. Measures for publicizing the Convention

14. Since the Convention was ratified, one of the SNF's priorities has been to publicize it. These efforts have included all of the mass media, in the form of announcements in the newspapers, on the radio and television, publicity campaigns, posters on hoardings, and seminars/workshops.

15. A campaign has been conducted since 1990 to publicize the rights of the child and it has been broadly supported in private business circles. In addition, the First Salvadorian Children's Forum was used to inaugurate the "Don't ill-treat children" campaign, in which the rights of the child were widely publicized. School-age boys and girls took part in the event and freely expressed their ideas and opinions about various topics connected with childhood. The campaign involved announcements in the mass media; it was supplemented by special posters hung in busy places and 20,000 brochures with the title "No more ill-treatment for children" were distributed.

16. In connection with Children's Month, a special supplement on topics connected with child education, parents-children relations and the rights of the child was issued by one of the newspapers with the highest circulation (86,000).

17. There was also a special issue of 100,000 postage stamps about the rights of the child. In March 1990, a private company sponsored a special publication on the rights of the child, as recognized in the Convention, in yet another of the large newspapers. There was also a special edition of 20,000 copies of the magazine Acción, the bulletin of the National Secretariat for the Family, about the rights of children. Again, in October 1991, the SNF acted as coordinator with the State electricity, water and telephone companies, getting them to include the phrase "Enough! Don't ill-treat children" on their receipts.

18. At the present time, the SNF, in cooperation with the Ministry of Education, is distributing 300,000 leaflets in schools throughout the country for a poetry and drawing competition on the rights of the child.

19. While great efforts have been made to publicize children's rights as set out in the Convention, it can be seen that a large part of the population is still ill-acquainted with them and with their implications.

E. Plans for publicizing and discussing the report

20. The Government of El Salvador intends to give broad publicity to this report and to engage in activities with non-governmental organizations connected with children's welfare so as to weigh up any additional measures possible in this sector and propose further action.

21. The report shows that, although the Government of El Salvador has: (i) fulfilled its political commitment to come to the aid of children, as a priority in its social policy, by promptly signing and ratifying the Convention, and (ii) carried out concrete activities to move ahead in observing the rights of children in our society, a great deal still has to be

done to solve the problem of all the circumstances that place constraints on the full development of children in El Salvador.

22. In submitting this initial report on measures to implement the Convention, the Government of El Salvador wishes to inform the United Nations Committee on the Rights of the Child that it stands ready to amplify or clarify the substance of the report.

II. DEFINITION OF THE CHILD IN SALVADORIAN LEGISLATION

23. Since signing and ratifying the Convention on the Rights of the Child, El Salvador has been concerned with providing effective protection for minors, not only from the legal angle, but also from the socio-economic and humanitarian standpoints. Starting in mid-1989, the Government initiated a review of the legal framework for protection of the family and minors, carried out a series of reforms and had new laws adopted by the Legislative Assembly to modernize and update that framework in line with the challenges facing a modern society.

24. Under Salvadorian legislation there is no uniform concept concerning the definition of the child. This disparity of legal criteria is apparent from the provisions applicable in various fields, as set out below.

A. Concept of the child

1. Definition of the child and the age of legal majority

25. Article 26 of the Civil Code provides as follows:

> "The term 'child' shall designate anyone below the age of 7; the term 'juvenile' a boy aged under 14 and a girl aged under 12; the term 'adult' a person who has reached puberty; the term 'person of legal age' anyone who has reached the age of 21; and the term 'minor', anyone who has not yet reached the age of 21."

26. In this connection, article 3 of the Minors' Code stipulates as follows:

> "The provisions of this Code shall extend to persons under the age of 18 ...".

2. Age of criminal responsibility

27. The age of criminal responsibility is 16, pursuant to article 16 of the Penal Code which provides as follows:

> "This Code shall apply to all persons under Salvadorian jurisdiction who are over the age of 16 at the time of the act in question. Those who have not yet reached this age shall remain subject to the special laws relating to minors."

3. Education

28. Under article 56 of the Political Constitution of the Republic, "All inhabitants of the Republic have the right and the duty to receive preschool and basic education that equips them to assume their role as useful citizens. The State shall promote the establishment of special education centres. When provided by the State, preschool, basic and special education shall be free."

29. Article 27 of the 1990 General Education Act stipulates that "Basic education shall comprise 9 years of study, from the first to the ninth grades; as a rule it shall be available to students from 7 to 15 years of age."

4. Labour law

30. The minimum working age is subject to the following regulations:

(a) The provisions of the Labour Code regarding work by minors derive from article 38 (1) (10) of the Constitution, which provides as follows:

"Minors aged under 14 and those over 14 who are still receiving compulsory education by virtue of the law may not be employed in any type of work.

"They may be authorized to work if this is considered essential for their own subsistence or for that of their family, provided that this does not prevent them from complying with the minimum requirements regarding compulsory education.

"Minors aged under 16 may not work for more than 6 hours per day and 34 hours per week, regardless of the type of work.

"Minors aged under 18 and women are prohibited from performing unhealthy or dangerous tasks. Minors aged under 18 shall also be prohibited from night work."

(b) In accordance with these provisions, articles 114 and 116 of the Labour Code reads as follows:

"Article 114. Minors aged under 14 and those over 14 who are still receiving a compulsory education may not be employed in any type of work during school hours. However, the appropriate department of the Ministry of Labour and Social Security may authorize minors to work if this is considered essential for their own subsistence or for that of their family, provided that this does not prevent them from complying with the minimum requirements regarding compulsory education. In the latter case, their employer shall organize their working hours so as to allow them to attend school."

"Article 116. Minors aged under 16 may not work for more than 6 hours per day and 34 hours per week, regardless of the type of work. In addition, they may not work more than two hours' overtime per day or perform any physically strenuous tasks."

"Minors aged under 18 may not perform night work."

5. Age of consent and marriage

31. The relevant regulations are contained in article 102 of the Civil Code, reading as follows:

"The following may under no circumstances enter into matrimony.
1. A man aged under 16 and a woman aged under 14"; "A woman who has reached the age of 14 and a man who has reached the age of 16 may enter into matrimony."

32. If the spouses are aged under 21 they must obtain the express consent of their parents or of their closest ascendant, relative or relatives, and if they were born outside wedlock consent shall be given by their mother, or failing that by their natural father (Civil Code, articles 102 (1), 104, 107 and 108, as subsequently amended).

33. Article 197 of the Penal Code states:

"Whosoever has carnal knowledge of a woman aged over 12 and under 15, even with her consent, shall be punished by one to three years' imprisonment".

6. Military service

34. In accordance with article 215 (1) of the Constitution, "Military service is compulsory for all Salvadorian males between the ages of 18 and 30." Articles 2 and 6 of the Military Service and Armed Forces' Reserve Act also regulate voluntary military service between the ages of 16 and 18.

7. Protection against alcohol and drug consumption

35. The legal provisions for the protection of minors from alcohol consumption are contained in the Minors' Code:

(a) Article 57 of the Code provides that "Anyone who sells or supplies alcoholic beverages to minors in a hotel, bar, restaurant or other similar establishment shall be liable to a fine of from 50 to 300 colones which the Juvenile Magistrate shall have the authority to impose."

(b) Article 99 stipulates as follows:

"Minors shall be presumed to be at risk under the following circumstances:

1. If they occasionally or habitually consume alcoholic beverages;

2. If they occasionally or habitually consume, absorb or inject themselves with hallucinogenic, stimulant or narcotic substances".

(c) Article 98 (2) provides:

"Minors shall be considered to be in a state of moral or physical neglect in the following circumstances:

1. If they have no home or live from charity;

2. If they are unsupervised or are in the care of parents or guardians who are habitual drinkers, mentally incapable or whose conduct is immoral."

36. Legislation relating to drug abuse is contained in the Act Governing Drug-related Activities, the relevant sections of which are as follows:

(a) Article 44. "The penalty for administering drugs to a person without his consent, or to a person who has given his consent but is aged under 18 or not legally responsible, shall be from six to eight years' imprisonment."

(b) Article 51. "If the person who receives the instigation, inducement or help is aged under 18 or not legally responsible, the penalty shall be from four to six years' imprisonment." The same penalty shall be incurred by a pregnant women who knowingly consumes drugs that may harm the foetus or unborn child.

37. Unlawful activities in teaching establishments:

"Article 55. Anyone belonging to the teaching or administrative staff or exercising managerial or supervisory responsibilities in a teaching establishment of any kind who allows, or fails to denounce or inform any of the agencies responsible for the implementation of this Act when he has knowledge thereof, any traffic or possession of drugs within the establishment shall be sentenced to between one and four years' imprisonment."

38. Aggravating circumstances:

"Article 60. The following shall constitute aggravating circumstances in connection with the offences covered by this Act:

(a) The fact that the offence affects or might affect minors aged under 18, pregnant women, the mentally ill or the mentally handicapped.

(b) The fact that the perpetrator has facilitated the use or consumption of drugs in teaching establishments, centres for the protection and recreation of minors, military units or places of detention or prisons or that the perpetrator is one of the persons referred to in article 31 of this Act; ...

In these circumstances, the penalty may be increased by one third of the maximum penalty laid down for the offence in question".

8. Incapacity to testify

39. Minors aged under 14 may not testify in civil cases, as article 294 (2), of the Code of Civil Procedure provides.

40. No specific age-limit is laid down in criminal matters. Judges may, at their discretion, take into account the testimony of minors aged under 14, pursuant to article 499 (2) of the Code of Penal Procedure, which stipulates:

> "Incapacity on grounds of age shall not apply in criminal proceedings, and statements made by minors aged under 14 may be taken into consideration by judges at their discretion, depending on the nature of the offence and the level of intellectual development of the witness; the relevant court record shall indicate whether the minor has testified with due discernment."

9. Legal aid and medical advice

41. The Constitution vests in the Procurator-General responsibility for defending the interests of minors. Article 46 of the Code of Penal Procedure stipulates that accused persons aged over 16 may appoint their own defence counsel, i.e. without need for counsel to be appointed by their legal representatives. The relevant article reads:

> "The accused shall have the right:
>
> (1) To be considered innocent until he has been found guilty by a final verdict, without prejudice to such measures as may be determined by law in the interests of public security or order;
>
> (2) Not to be compelled to testify against himself;
>
> (3) To appoint defence counsel from the outset of the proceedings;
>
> (4) Not to have his freedom of movement restricted by any means wherever and whenever a procedural act is carried out, without prejudice to such security measures as the judge may deem it prudent to order in special cases; and,
>
> (5) To be compensated by the State if a judicial error is found on review".

42. Article 43 of the Minors' Code regulates the Legal Advisory Service for minors in the following terms:

> "The Legal Advisory Service is responsible for solving legal problems presented to the Council and with answering any legal queries referred to it by the Council.
>
> If the Council so decides, the Service may provide guidance to parents, legal representatives or guardians of minors concerning the manner and means available to exercise the rights to which they are entitled pursuant to this Code and other laws."

43. With regard to the powers of the Government Procurator for Juveniles, article 108 stipulates:

"The Government Procurator for Juveniles shall have the following functions:

(a) To ensure that laws for the protection of minors are efficiently applied and that the provisions of this Code and other laws for the protection of minors are complied with;

(b) To intercede in any procedures undertaken within the Juvenile Courts to which they are attached;

(c) To defend the rights of juvenile offenders and of any minors who have been abandoned, who are in danger or at risk; and

(d) Such other responsibilities as shall be determined by laws or regulations."

44. Salvadorian legislation does not specify the age-limit for obtaining medical advice; consequently, the legal norms that apply in this case are the general rules governing the age of legal majority for civil purposes, which is 21 (Civil Code, arts. 26 and 41).

B. Plans for legislative action

45. The Government of El Salvador has undertaken various initiatives within the legislative sphere to adapt domestic law to the provisions of the Constitution, to international human rights law and to the Convention on the Rights of the Child. They include the following:

(a) Family Code bill. This Code incorporates modern trends in family law, and the relevant provisions of international conventions and develops constitutional principles with regard to family law, through the regulation of family relations and relations between the family and society and with State agencies. The Code contains provisions to afford extensive protection to the family, minors and the elderly, and recognizes the equal rights of men and women, equality of rights among offspring and the elimination of all forms of discrimination; it also extends special protection as a priority to minors, the legally incompetent and the elderly. The bill abrogates the whole body of conventional family law contained in Book I of the Civil Code and in the Minors' Code;

(b) Bill to provide enhanced protection for juvenile offenders. This bill incorporates new thinking in the field of social protection which advocates a series of mandatory material and procedural requirements, necessitating the development of a body of law that provides all the guarantees deriving from El Salvador's constitutional order, and puts an end to the insecurity and legal void that existed in respect of juvenile offenders, with as its fundamental concern the best interests of the minor rather than the seriousness of the offence; the emphasis should be on measures to achieve social reintegration rather than punishment and on the overall training and social rehabilitation of minors;

(c) Family Procedural Code bill. The Family Procedural Code bill systematically develops methods to settle family disputes and provides rapid and flexible procedures whose aim is to establish the truth. It provides for due process of law, conciliation, factual evidence, procedural economy and critical assessment of evidence. It makes it compulsory for a multidisciplinary family support team to take part in solving the dispute;

(d) Bill relating to the establishment of Family Courts. Pursuant to the Family Code and the Code of Family Procedure, family courts are to be established to ensure improved implementation of the legislation mentioned above;

(e) Bill relating to the establishment of the Salvadorian Institute for the Protection of Minors. A bill is being drafted for the establishment of the Salvadorian Institute for the Protection of Minors as a decentralized administrative body whose aim will be to protect minors who are under threat or whose rights are infringed. The bill incorporates the substantive administrative thrust of the Minors' Code and supersedes it for the purposes of implementing the new guidelines in this sphere;

(f) Reform of the Civil Code. In conjunction with the Family Code bill, it is proposed to reform those norms of the Civil Code whose provisions conflict with those of the new legislation, in order to harmonize the principal statutes, particularly as regards inheritance, in respect of which there was discrimination among children, and the age of legal majority is amended and set at 18;

(g) Reform of the Penal Code, the Code of Penal Procedure and the Minors' Code in respect of protection for children. In view of the need to provide greater protection for the legal interests of families and minors, it was decided to reform the Penal Code, the Code of Penal Procedure and the Minors' Code so as to extend the first of them to cover unlawful conduct seriously detrimental to the legal interests of minors and families, but which was not classified as an offence, and thus not penalized; the Code of Penal Procedure was reformed to cover such offences, and the Minors' Code was reformed to allow the Salvadorian Council for Minors to exercise greater control over private centres providing protection and assistance to minors. The offences brought under the codes as a result of the reform are offences against family morals, civil status and family support. As a rule such offences involve failure to perform family obligations, fraudulent adoption in return for financial reward or the promise thereof, the use of minors for begging, and other offences which imply failure to provide economic support. As regards criminal procedure, the reform authorizes public and private bodies providing protection to minors to request investigations, thereby extending this capacity beyond the parents, legal representatives or institutions responsible for minors;

(h) Bill relating to freedom of expression and freedom to publicize ideas. The only development in this sphere has been the submission of a bill to develop the right of reply, recognized by the Constitution. The bill was introduced at the initiative of deputies or representatives of one of the opposition parties, and is currently before the National Peace Commission (COPAZ) for its opinion, prior to submission to the Legislative Assembly. The

current norm only concerns the establishment of means of communication, and in the criminal sphere the offences of injurious behaviour and calumny when they involve abuse of the freedom of expression;

(i) Reform of the Judicial Organization Act. The adoption of the Family Code and the Code of Family Procedure necessitates the establishment of Family Courts, in view of which the Judicial Organization Act is to be amended. Similarly, the Act relating to juvenile offenders stipulates that there shall be juvenile divisions to hear appeals against decisions of the Juvenile Courts; as a result, it will be necessary to reform the Judicial Organization Act in relation to the proposal to establish such divisions.

III. GENERAL PRINCIPLES

46. All the relevant Salvadorian legislation lays down the general principles of:

(a) Non-discrimination;

(b) The best interests of the child;

(c) The right to life, survival and development; and

(d) Respect for the views of the child.

This section deals with matters pertaining to the first two concepts and section IV with the other two.

A. Non-discrimination

1. Specific measures for implementation

47. This fundamental principle has been incorporated in the legal order by provisions of the Constitution and by norms contained in international treaties in force and in secondary legislation (Political Constitution of the Republic, articles 3 and 36; Minors' Code, article 1; Military Service and Armed Forces' Reserve Act, articles 1, 2, 3, 16, et seq.; General Education Act, articles 4, 7, et seq.; Convention on the Rights of the Child, which clearly sets out the right to equal treatment and the rejection of discrimination on grounds of race, colour, sex, language, religion, political or other opinion, nationality, social and economic status, physical disabilities, birth or any other condition of the child, his parents or representatives).

2. Difficulties

48. There are no constitutional or legal limits to the enjoyment of this right by all persons, and hence by children.

49. The degree of support and care for the child population of a country is largely related to that country's overall level of economic and social development. Historically both aspects have been critical variables in El Salvador on account of the limited availability of resources which is

typical of a developing nation. The situation was aggravated in the 1980s by the domestic conflict, the lack of resources and coordinated social programmes focusing on minors and the scarcity of qualified experts, which exacerbated the existing chaotic situation of El Salvador's children.

50. The poverty afflicting two thirds of El Salvador's population in 1989, the social trauma caused by the violent conflict which plagued the country for more than 11 years, and ignorance of the basic legislation for protecting minors were decisive factors in the failure to observe their human rights fully.

51. In short, the gravest problem was not only the legislation but also the actual historical conditions under which the country was required to comply fully with principles such as those set out in the Convention. A substantial percentage of Salvadorian children have had to start work at a very early age in order to survive, which means that their regular upbringing is neglected and makes it difficult to carry out preventive checks. Such situations can be seen in the discrimination against minors vis-à-vis adults engaged in similar work. This is largely due to the fact that the authorities do not have the necessary control and follow-up machinery. Action to prevent discrimination against minors is further undermined by the lack of legal means for control and supervision.

B. The best interests of the child

52. The best interests of the child are considered to be everything which encourages his or her physical, psychological, moral and social development with a view to the full and harmonious development of the personality.

1. Specific measures for implementation

53. The National Secretariat for the Family, the Salvadorian Council for Minors, the Ministry of Justice through the Directorate-General for the Protection of Minors and the Ministry of Education, through Centres for the Care of Minors, have: (i) developed a series of ongoing programmes and activities like the campaigns to publicize the rights of the child; (ii) maintained constant assistance to children living in institutions; (iii) promoted the establishment of special care centres for minors in difficult circumstances; (iv) designed programmes to improve minors' conditions; and (v) promoted and coordinated the holding of forums, seminars or workshops to discuss topics relating to the problems of children.

(a) National Secretariat for the Family (SNF)

54. The SNF's main programmes and activities include:

(a) Children classed as street children, a programme which has received special attention. In late 1991, the Government, through the SNF and with the support of UNICEF, implemented a physical and psychological recovery and social reintegration programme. For this purpose it introduced an "open centre" for the care of minors, who receive food, lodging, health services, educational guidance and psychological and occupational therapy;

(b) The creation of the Centre for the Prevention and Care of Mal-treated Children (CEPREMIN), in coordination with the Salvadorian Advancement, Training and Development Association (PROCADES), which deals with children who are the victims of violence and prepares preventive programmes on child abuse. The work of CEPREMIN in protecting minors is effected through five services: (i) The Child Abuse Prevention Programme, to promote respect for children through talks in schools, communities and private and public institutions; (ii) psychological assistance and family therapy; (iii) case-by-case attention, social and economic research and follow-up treatment; (iv) legal advice, assistance and follow-up in respect of family conflicts; and (v) a school for parents which provides educational guidance to the family group in periodic working sessions. This last-mentioned type of programme is also operated in the communities;

(c) The programme for comprehensive assistance to the victims of sexual aggression, as part of which three clinics operating in Salvadorian hospitals were set up to provide care to victims of sexual aggression. Teenage girls under 15 years of age are the main victims of this type of aggression, which causes traumas which affect their behaviour and social perceptions for the rest of their lives. Medical, psychological and legal services are provided to the victims under this programme.

(d) The young mothers' programme, which emerged as a response to the high fertility rate, the high drop-out rate among students as a result of pregnancy, and the adverse effects on women's health of repeated pregnancies which accentuate the problems of maternal and infant mortality. The programme's main objective is to prevent teenage girls from becoming pregnant again and to give them some training so that they can apply for a better-paid job. They are also given instruction about reproduction, better awareness of their own sexual nature and family planning methods;

(e) "Planning your life", a programme which, through courses aimed at teenagers over 14, provides them with means for facilitating reflection and taking free and conscious decisions. The courses are held in two-day modules, with the support of community leaders, and comprise subjects such as reproductive health, human sexual responses, family planning and sexually transmitted diseases;

(f) The community maternal homes programme, the purpose of which is: (i) to provide primary care in health, nutrition and education for poor children; (ii) to incorporate into the family life of the community appropriate habits and standards for the normal development of children; and (iii) to create in the community the necessary conditions for the self-management of the homes and thus guarantee their operation over time. These homes take in children between two and seven years of age.

(b) Salvadorian Council for Minors

55. The Salvadorian Council for Minors, as an independent institution under public law, is empowered to direct State policy relating to minors, and to supervise its implementation and compliance with the Minors' Code and other legislation concerned with the protection of minors.

56. Its founding is a clear call for public and private inter-agency coordination in connection with priority attention to children. Its decision-making and guiding authority comprises 10 members representing the Ministries of Justice, Education, Health, Labour and Defence, the Procurator-General's Office, the Supreme Court of Justice, the National Secretariat for the Family and two NGO delegates.

57. The main policies include:

(a) Deinstitutionalization;

(b) Focus on the neediest sectors;

(c) Active participation of the family and community in its activities;

(d) Preventive action through family guidance;

(e) Institutional coordination;

(f) Regionalization of its services;

(g) Training and supervision of services to minors.

58. The traditional programmes, with an innovative topical dimension, include:

(a) School homes, which provide boys and girls with housing, food, health care and the possibility of vocational training and facilitate their attendance at community schools. The dynamic is of an open type, providing an environment similar to the children's natural homes. They care for children between the ages of 3 and 18. The service takes two forms: (i) boarding for orphans of both sexes who have been abandoned or are in danger or at risk and displaced children without parents or other responsible persons; and (ii) semi-boarding, for girls and boys who, because of their poverty situation or the type of their parents' work, require this kind of attention, and go home to their parents at the end of the day or at weekends. The Council has six school homes, located in different departments of El Salvador, and dealing annually with nearly 8,600 minors. The relevant data for the children concerned include the following:

Main causes of entry:

Situation of danger or risk	23%
Abandoned by father	15%
Abandoned by mother	12%
Abandoned by both parents	17%
Poverty situation	10%
Displaced	2%

Age and sex:

Female:	15 to 18 years of age	15%
Female:	10 to 15 years of age	16%

Origin:

Urban	40%
Rural	32%

According to the records, the largest group is formed by girls and boys from marginal urban areas, who frequently originate in rural areas affected by the internal conflict. They may therefore also be considered to be displaced persons.

(b) The nurseries, which care for girls and boys between three months and six years of age, providing them with health care, a balanced diet, behavioural training and early stimulation. Some go to the community's kindergartens, while in other cases the kindergarten is incorporated in the nursery. At the same time, the programme involves those responsible for the children in the "Schools for Parents". The nurseries deal nationally with more than 22,300 children.

59. Noteworthy among the Council's new programmes are:

(a) The Substitute Homes Programme, which provides children with a substitute similar to their natural home. This form of care, the organization and operation of which were initiated by the Salvadorian Council for Minors, avoids the institutionalization of minors. In establishing the homes, an exhaustive assessment of the families is made, with permanent follow-up and guidance to parents on techniques for bringing up and looking after their children;

(b) The Family Social Assistance Programme emerged as an alternative in order to avoid the institutionalization of children because of poverty situations or their parents' unemployment. Families which use this programme are first of all classified to determine the terms of the assistance and are provided with family guidance and permanent support for making the investment;

(c) The Family Guidance Programme, which emerged for the purpose of carrying out preventive work in the family and community, so as to guard against situations of danger or risk affecting minors. The programme also provides an educational activity aimed at the family to ensure that its members will contribute appropriately to caring for their children and the other children in their communities. This educational activity takes account of young people as potential parents. The programme has focused mainly on marginal urban and rural communities classified as having priority status, with emphasis on those where other public or private bodies have limited involvement. The activities have also been carried out in coordination with other State institutions, as in the case of the "PAIN" Programme, which provides comprehensive care for children, with the participation of the community, and is implemented jointly with the Ministries of Education and Health and the Agrarian Conversion Institute (ISTA). Every year these activities involve approximately 2,000 parents, 1,800 adolescents and young people and 200 pregnant women and nursing mothers.

(c) Ministry of Justice, through the Directorate-General for the Protection of Minors

60. The Directorate-General for the Protection of Minors provides services for children in various categories: abandoned children, children at risk or in danger, juvenile offenders and disabled children. To that end, it conducts a series of programmes and projects:

(a) The Project for the Placement of Institutionalized and Street Children in the Labour Market, whose purpose is to provide care and support for such children in order gradually to wean them away from institutions and the street and help them to re-enter their family and social environment. It is also aimed at helping them enter the job market in order to become useful and valuable members of society;

(b) The Programme on Preventive Action for Minors and their Families in the Community, whose purpose is to provide minors and their families with psychological, job-placement and pedagogical services in order to avoid the severance of family ties, which causes behaviour that leads to institutionalization;

(c) The Programme on the Integration of Disabled Children into Society, Schools and the Labour Market, which seeks gradually to remove such children from institutions and promotes the placement of disabled children in the labour market and the school system;

(d) The Theatre Workshop Programme, whose objective is to help develop the personality by stimulating creativity and oral and physical expression through the practice of an art. It also helps involve minors in scholastic, cultural, civic and recreational programmes that provide them with a well-rounded education.

61. During the past two years over 5,300 minors have benefited from these programmes and projects in Directorate protection centres and approximately 6,900 in the communities. Of these minors, 90 per cent are of urban origin and the rest rural; their age ranges up to 18 years.

(d) Ministries of Health and Education

62. In the health field, various activities have been conducted to strengthen primary and preventive health care which have led to a reduction in infant mortality (section VI.B). The EDUCO programme was also begun in 1991; it focuses on pre-school and primary education in the poorest communities of the country, with parent and community participation. Other programmes were strengthened in order to increase coverage and improve the quality of educational services (section VII.B). The Ministry of Education also has three centres that offer educational, social guidance and psychological programmes, vocational training and medical, social and psychological services to nearly 1,400 minors.

(e) National Commission for Area Restoration

63. Other special measures for the protection of minors are carried out by the National Commission for Area Restoration (CONARA). CONARA's activities include:

(a) The Programme for Day Care Homes and Community Centres, which covers children under 6 years of age in 200 developing communities in 16 municipalities throughout the country. Under this programme, 40 homes and 15 non-formal education centres had been established by mid-1992, covering aspects relating to health, nutrition and early childhood stimulation;

(b) The Youth Training Programme, whose purpose is to help encourage and protect young workers through a comprehensive programme including school attendance, vocational training, primary health care, nutrition and financial assistance in order to place them in jobs under the protection of the law. Under this programme nearly 6,900 young people in 200 developing communities have been trained, to promote their entry into the production process;

(c) CONARA's various programmes have helped numerous communities to repair and equip schools and health centres, directly benefiting the children of these areas.

(f) Social Investment Fund of El Salvador

64. The Social Investment Fund (FIS) was established in 1991, in keeping with the strategy of the Government's Social Development Plan, with the aim of promoting the elimination of extreme poverty through the stimulation of investment in the social, human and community resources of the most vulnerable groups.

65. During its first year of existence, up to April 1992, the FIS approved over 700 projects relating to basic social needs, support for management of productive activities and human resources development. Nearly 600,000 persons, predominantly children under 6 years of age and female heads of families, participated in the projects. The most significant projects financed by the FIS concern the construction or repair of meeting halls, schools and vocational centres, school facilities, support for food programmes in primary school centres, and water and sewage services for the benefit of poor communities.

(g) Social Planning Committee/San Salvador Mayor's Office

66. Greater involvement of local government in these activities has also been achieved. Particular mention should be made of the work of the Social Planning Committee/San Salvador Mayor's Office, which is a non-governmental, apolitical organization serving minors and their families, aimed at promoting the development of children and adolescents from low-income sectors of the capital. In the past year its activities went beyond the limits of the capital and its coverage was extended to other departments in the country. Among the Committee's principal activities, aimed at serving the best interests of the child, mention should be made of the following:

(a) The establishment of a communal medical service with three mobile clinics dispensing health care to 46 developing communities. The service has conducted over 46,000 medical consultations to date, of which approximately 40 per cent have been for children. The Committee's work includes technical assistance and equipment for 17 clinics for users in the market places and for municipal employees. Of approximately 45,000 consultations, 20 per cent were for children. Together with the consultations, the Committee is also conducting a nutritional improvement programme, which has benefited 22,200 children. It also provides food and teaching materials for the Mayoralty's Anti-Drug Workshop Project, in which over 4,100 children and adolescents have participated;

(b) The Day Care Centre Service was improved, expanded and developed to cover over 500 children. The day care centres have kindergarten sections and schools for parents;

(c) In the field of education, the Committee works for three schools, covering a total of 4,300 pupils from 23 developing communities. Its work is aimed at encouraging regular school attendance and good academic performance. To that end, food and transport grants are provided for 25 per cent of the pupils and school supplies, snacks, medicine and sports equipment for 100 per cent. The Committee also provides vocational training and social services to adolescents of both sexes in: jobs in production, tailoring and dressmaking, the clothing industry, electricity, construction work, carpentry and masonry, in vocational workshops supported by the Mayor's Office. A secretarial school has also been established;

(d) In the area of decoration and recreation, the Committee has invested heavily in the construction and improvement of parks and recreational centres which are primarily aimed at children from low-income families. Recreational, cultural and civic events and dance and public-speaking contests have also been conducted. Support has also been given to 7,600 young athletes, who have been provided with uniforms, prizes and hospitality in community competitions. During the Christmas holidays these events covered 55,000 children from various parts of the country in 1990 and 95,000 in 1991;

(e) To deal with the problem of vagrancy and begging, the Centre for Juvenile Training was established and began its activities; it can accommodate 400 children and adolescents, who receive the following services in half-day periods: academic support, food, psychological and social guidance, medical assistance and instruction in trades and crafts work;

(f) To improve the physical surroundings in the developing communities, the Committee has: (i) conducted 184 community projects to benefit children and young people, installing mechanical games, planting trees, introducing drinking water and electricity services, raising protective walls, paving streets and building gutters, stairways and community centres; and (ii) environmental sanitation in 171 communities, where over 85,000 children and young people live, through cleanliness campaigns, insect and rodent extermination and installation of latrines.

(h) Other institutions

67. The Ministries of Planning and Public Works, in coordination with the Mayoralties and with support from private industry, have begun a national project for the construction of sports grounds, in order to improve the conditions under which Salvadorian young people practise sports and recreation. The project began in June 1992; nine sports grounds have been completed to date and work is expected to be concluded on 200 football grounds and basketball courts between the second half of 1992 and December 1993.

68. In addition, the Salvadorian Institute for the Rehabilitation of the Disabled (ISRI) has trained large numbers of specialized staff in order to improve the quality and coverage of the services it provides. The ISRI's nine centres provides special services for children with problems in: special education, multiple disabilities, cerebral palsy, locomotive difficulties, hearing and language, and comprehensive rehabilitation.

69. In addition, the Attorney-General's Office has organized and conducted preventive programmes and paralegal programmes for young people under 18 years of age, heads of families, teachers and drug-dependent street children; results from June 1990 to June 1992 were the following:

Programme	Target population
Academic guidance	25,000 pupils
Community guidance	35,000 persons
Street children: drug addicts	1,000 consultations
Psychological guidance for parents	Treatment of 5,000 children
Medical assistance	15,000 consultations
Dental assistance	10,000 consultations with 3,000 treatments
Telephone hotline a/	5,000 complaints
Hospital shifts b/	735 shifts
Anti-drug traffic executive unit	425 shifts
Crime investigation commission	925 shifts

a/ This programme consists of the reception of telephone complaints concerning offences committed exclusively against children, which are promptly and effectively investigated.

b/ 24-hour shifts in the following hospitals: Benjamín Bloom, San Miguel Regional Hospital and Santa Ana Regional Hospital. These shifts, which are covered by special prosecutors, are aimed first and foremost at prosecution of all offences committed against minors, which at times never reach the judicial system owing to fear or the family's refusal to report them. Information is sought on these offences and evidence gathered to be submitted to the appropriate court as soon as the child is in the custody of the judicial centre.

70. The foregoing is a clear demonstration of the priority accorded by the Government and the level of cooperation and solidarity attained in the last three years by local government and the private sector in favour of the best interests of Salvadorian children.

2. Difficulties

71. Although there has been growing interest in recent years in protecting and assisting Salvadorian children, there have been difficulties in attaining a satisfactory level of care and protection for children. The major difficulties in fully serving the best interests of the child are the following:

(a) Limited availability of State funds;

(b) Lack of a national policy for the protection of children;

(c) Lack of effective monitoring;

(d) Lack of popular participation, out of ignorance of the rights of the child and a low level of awareness of the priority that a society should give its children;

(e) Limited international cooperation;

(f) Vestigial effects of the armed conflict;

(g) The fact that the society is undergoing far-reaching social and political changes.

IV. CIVIL RIGHTS AND FREEDOMS

A. Specific measures of implementation

1. The right to life, survival and development

72. Salvadorian legislation protects the right to life from conception onwards, by prohibiting abortion and ensuring the right of mothers to prenatal and post-natal care. In addition, the Political Constitution of the Republic guarantees the right to life, survival and the conservation of the same, for all inhabitants. Salvadorian children therefore enjoy this right (Constitution, arts. 1 and 2; Minors' Code, arts. 1 and 18; Penal Code, arts. 155, 161 and 169).

73. Other provisions along the same lines are contained in the Labour Code and relate to the right to paid maternity leave for women workers before and after birth.

74. Some operative measures implemented to protect children have been vaccination, preventive measures such as the addition of vitamins to sugar, the Glass of Milk programme, milk banks for mothers and the Consumers Act.

2. The right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment

75. The Salvadorian State provides its inhabitants with a guarantee against being subjected to torture or to cruel, inhuman or degrading treatment or punishment. Juvenile offenders are the subject of protective and educational measures and not of any criminal sanctions (Political Constitution of the Republic, art. 27 (2); Minors' Code, art. 1).

76. This right is also protected through the work of the Department of Information on Detainees of the Supreme Court of Justice, the constitutional guarantee of habeas corpus the Office of the Government Procurator for the Defence of Human Rights and the Department of Public Defence of the Procurator-General's Office.

3. Name and nationality

77. Article 36 (2) of the Constitution proclaims the right of every person to a name that identifies him. Article 91 of the Constitution recognizes double or multiple nationality in order to protect Salvadorian nationals. This principle is applied, inter alia by the minor's identity card, the personal identity card, and the regulations contained in the Act relating to the Names of Natural Persons. All these documents make possible and guarantee identification.

4. Preservation of identity

78. Respect for the right of children to an identity is guaranteed by Salvadorian legislation, especially criminal legislation (Penal Code, arts. 272, 273 and 274). The Act relating to the Names of Natural Persons also contains rules for preserving identity, when names are changed or modified and in cases where an individual has more than one name. One implementation measure consists of the entry of births in the Civil Register on the basis of documents provided by health centres or authorized midwives or affidavits by witnesses to the birth of the child.

5. Protection of privacy

79. On the basis of article 2 (2) of the Political Constitution of the Republic, Salvadorian legislation sets forth rules for respecting children's privacy and prohibits the dissemination by any means of names, photographs or identifying features corresponding to children indicated as having violated criminal laws or having been subjected to sexual abuse (Minors' Code, art. 58; Code of Penal Procedure, art. 97).

6. Freedom of thought, conscience and religion

80. On the basis of articles 6 and 25 of the Political Constitution of the Republic, Salvadorian legislation guarantees freedom of thought, conscience and religion (Minors' Code, art. 1 (h)).

7. Freedom of expression, access to relevant information and respect for the child's views

81. The laws relating to these rights guarantee freedom of expression for children under the same conditions as for adults (Political Constitution of the Republic, art. 6). Children's attendance at entertainment that is unsuited to their moral training and the sale of pornographic materials to children are prohibited, as is children's attendance at evening entertainment unless they are accompanied by their parents (Minors' Code, arts. 56 and 59). To that end, the Office of Communication Media and Public Entertainment (Ministry of the Interior) censors and regulates materials disseminated by the media.

82. A few legal provisions guarantee respect for the views of the child. One example, for the purpose of reaching a decision in the divorce proceedings of parents, concerns the child's custody and care (Civil Code, art. 235).

8. Freedom of association and freedom of peaceful assembly

83. Both the Political Constitution of the Republic and the Penal Code, the General Education Act and the Family Code bill are consistent with the Convention on the Rights of the Child in recognizing the right of the child to freedom of association and freedom of peaceful assembly (Constitution, art. 7).

B. Difficulties

84. Although there is a broad legal framework that meets the requirements of the Convention on the Rights of the Child, ratified by the Government, various factors such as the dispersal of efforts and a lack of coordination among the various units providing protection to children have meant that the work so far has been ineffective and insufficiently responsive to the needs of the child population.

85. Budgetary constraints owing to the armed conflict have reduced the funds available for educational and health care development programmes.

86. Another important aspect is the population's lack of awareness of the legislation on the protection of children, for which reason the rights of children are occasionally violated while the full implications of the violations are not appreciated.

87. There are difficulties regarding effective monitoring by the State of places and situations that are harmful to children's mental and moral health.

88. For the same reason, penalties are not applied when alcohol or drugs are improperly given to children or when their presence is permitted in places that are not authorized for minors.

89. Child abuse within the family has not been adequately looked into.

90. Abandoned children's needs for care have increased, while the availability of child-care services, programmes and resources has not.

91. The administration of justice is undergoing reform, adjusting to a post-conflict situation, the strengthening of the democratic process and the concept of a modern society.

V. FAMILY ENVIRONMENT AND ALTERNATIVE CARE

A. Specific measures of implementation

92. The State of El Salvador is constitutionally obliged to carry out programmes promoting the stability of the family, as provided for in Salvadorian law and in particular in the Family Code bill.

1. Parental guidance

93. Parental guidance is an obligation under the law (Political Constitution of the Republic, art. 33, and Civil Code, arts. 233 (1), 244, 246 and 289).

2. Parental responsibilities

94. The Constitution stipulates that parents have joint responsibility to their children, whether they are born in or out of wedlock or adopted. The rights of protection, assistance, education, security, paternity, responsibility, legal recognition, the correct administration of property, maintenance and all-round education are obligations of those persons held to be responsible under the law, or as the case may be, public or private institutions which protect minors (Political Constitution of the Republic, arts. 34 and 36; Civil Code, arts. 233, 234, 241, 244, 246, 262, 287, 289, 291; Minors' Code, arts. 1 and 84).

3. Separation from parents

95. The right of minors to remain with their parents is guaranteed except when separation from them is necessary in the interests of the child, in which case custody courts may exceptionally send the child to a Child Care Centre (Minors' Code, arts. 98 and 99).

4. Family reunification

96. Apart from the provisions of article 34 (1) of the Constitution there are no specific norms in national legislation providing for family reunification.

5. Recovery of maintenance for the child

97. Parents are obliged to provide maintenance for their children and their lawful offspring and to their children born out of wedlock and their lawful offspring. If the parents refuse or are unable to pay, the Procurator-General's Office takes action to enforce the law which sets maintenance payments (Civil Code, art. 338; Public Prosecutor's Office Organization Act, arts. 48, 49, 123 and 277).

6. Children deprived of a family environment

98. The Procurator-General's Office acting through the Department of Family Relations, may issue an administrative order stating that a minor shall remain in the personal care of one of the parents or with another relative or, where the child has no responsible family, may place him in a Child Care Centre if his situation does not guarantee his adequate development (Civil Code, arts. 271 and 278)

7. Adoption

99. The Procurator-General's Office, acting through the Department of Adoptions, is responsible for carrying out adoption procedures and for acting on applications on that subject from individuals (Public Prosecutor's Office Organization Act, art. 33-C, and Adoption Act).

8. Illicit transfer and non-return

100. The Migration Act requires permission from the father or mother for a minor of Salvadorian nationality to leave the country (Migration Act, art. 50).

9. Abuse and neglect, including physical and psychological recovery and social reintegration

101. Physical and/or mental abuse is punishable, as is lack of care by parents, guardians or others responsible under the law. This applies both to civil law, through the suspension of parental authority, statutory emancipation or termination of guardianship, and to criminal law, if the crime of injury is committed.

102. The illicit non-return of minors for adoption, economic exploitation or other purposes is punishable (Penal Code, art. 276).

10. Periodic review of placement

103. In the case of juvenile offenders, the Juvenile Magistrates must review the conditions of placement every six months (Minors' Code, art. 101).

104. In the case of minors in an irregular situation, the Family Code bill specifies measures for the periodic review of placement.

B. Statistical information

105. The data presented here are incomplete, since they do not fully reflect the work carried out by various public and private organizations for boys and girls in El Salvador. This is due to shortcomings in the system for registering, classifying and coordinating information.

(a) Homeless children. Between June 1990 and June 1992 the Custody Courts dealt with 227 minors classified as street children;

(b) Abused or neglected children taken into protective custody. Between June 1990 and June 1992 the Custody Courts took custody of 675 minors in danger or at risk;

(c) Children placed in foster care

Reason for placement	Children in care	
	July 1990 - December 1990	January 1991 - June 1992
Guard and care of a minor	5 516	8 787
Protection of minors	856	742
Legal identity of minor	480	450
Fixing rates of maintenance	14 371	12 900
Payment of maintenance to children entitled to it	84 932	85 091
Measures to prevent the exploitation of minors	2 873	2 889

Source: Procurator-General's Office.

(d) Children placed in institutional care

Period	Total admissions	Sex		Origin	
		M	F	Urban	Rural
July 1990 - June 1991	3 059	2 744	315	2 579	300
July 1991 - June 1992	2 181	1 955	226	1 960	221

Source: Directorate-General for Minors. Ministry of Justice.

(e) Children placed through domestic adoption

Period	Adopted by Salvadorians	Adopted by Foreigners	Total
July 1990 - December 1990	18	136	154
January 1991 - December 1991	18	297	315
January 1992 - June 1992	12	109	121

Source: Directorate-General for Minors. Ministry of Justice.

(f) Psychological assistance to minors provided by the Office of the Public Counsel-General

Areas of evaluation	Programmes	July - December 1990	January - December 1991	January - June 1992
Family environment and alternative care	- Family guidance	161	314	118
	- Marriage guidance	161	314	118
	- Custody of minors	161	314	118
Education, leisure and cultural activities	- School and career guidance	161	313	118
Special protection measures	- Save for children affected by the conflict	161	313	118
	- Classification and diagnosis	161	313	118

Source: Office of the Public Counsel-General.

(g) Care of disabled children

Centres	New cases	Existing cases	Total 1992
Locomotive	2 316	176	2 492
Cerebral palsy	540	383	923
Special education	580		580
Multiple disabilities	650	500	1 150
Hearing and speech	1 071	428	1 499
Rehabilitation for the blind	145		145
Full rehabilitation (East)	1 327	353	1 680
Full rehabilitation (West)	972	180	1 152

Source: Salvadorian Institute for the Rehabilitation of the Disabled.

(h) Abused children

Abused children

Type of abuse	1990	1991	1992	Total
Neglect	48	34	19	101
Physical and emotional	52	61	46	159
Sexual abuse	38	69	48	155
Abandonment	13	29	5	47
Conflict	64	41	6	111

Abuse according to age
(in percentages)

Type of abuse	0-1 year	1-4 years	5-9 years	10-12 years
Neglect	49	34	9	7
Physical and emotional	9	32	36	23
Sexual abuse	1	14	74	11
Abandonment	40	40	14	6
Conflict	10	20	59	20

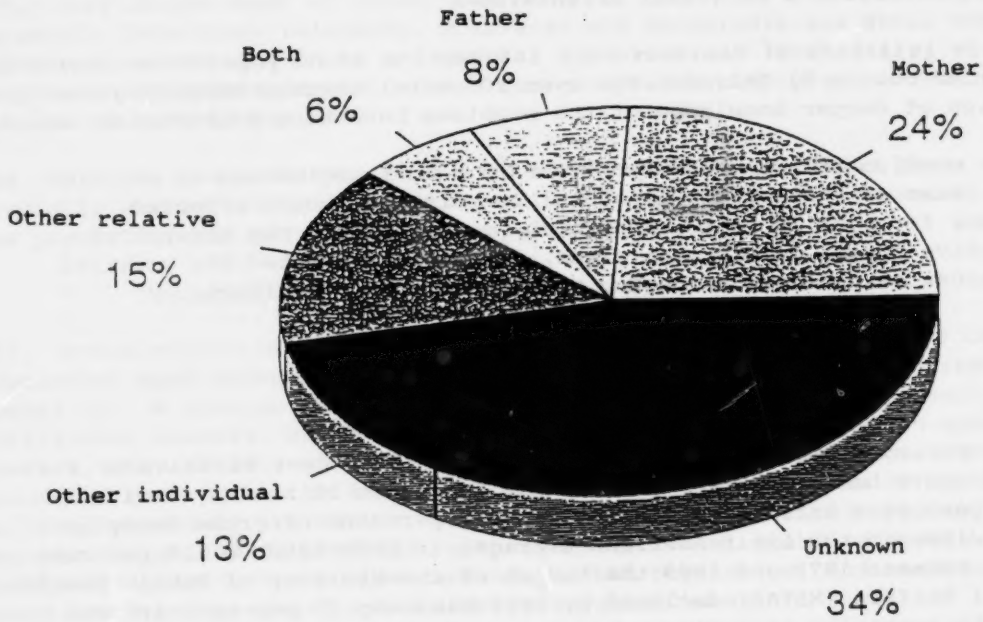
Abuse according to sex
(in percentages)

Type of abuse	Male	Female
Neglect	49	51
Physical and emotional	65	35
Sexual abuse	33	67
Abandonment	58	42
Conflict	35	65

Person responsible for the abuse
(in percentages)

Abuser	Percentage
Mother	24
Father	8
Both	6
Other relative	15
Other individual	13
Unknown	34

Person responsible for abuse
(1990 to 1992)



C. Difficulties

106. Although some data relating to the situation of children, collected in various public institutions are available, it should be emphasized that they in no way constitute a statistical set for analytical purposes and that they by no means reliably portray the critical situation of Salvadorian children.

107. There are several reasons for the shortcomings of the statistics gathered: (i) the government institutions or centres have no clearly defined data-collection strategy; (ii) the information is piecemeal and frequently contradicts that gathered by other centres, supposedly dealing with the same population. This reflects serious problems of coordination with regard to work relating to children. Moreover, the absence of a sufficiently clear policy for the protection of minors, and the occasional absence of ways of ensuring compliance with the law, has prevented institutions from giving due priority to the various means of providing care and carrying out their work. As a result, statistical information has been neglected, as have research and assessment of the impact of the programmes carried out and of the efficiency of the personnel responsible for implementing them.

108. Another noteworthy factor is the lack of human and financial resources to meet demand for the service, as a result of which it was not possible to address aspects with a technical orientation.

109. There is a lack of basic overall information as no population census has been carried out in El Salvador for over 20 years, thereby hampering the acquisition of deeper knowledge of the problems besetting Salvadorian society.

110. The armed conflict, in conjunction with misguided economic policies, was the main cause of the serious financial restrictions which affected El Salvador for over 10 years, and which, combined with the absence of comprehensive social development plans, further exacerbated the critical circumstances of children belonging to extremely poor families.

VI. BASIC HEALTH AND WELFARE

A. Diagnosis and problems

111. The economic, social and political crisis that beset El Salvador for almost 12 years had a direct impact on the provision of health services. Public expenditure in this sector fell from 3 per cent of gross domestic product (close to the Latin American average) in 1979-1980 to 1.5 per cent in 1988. Between 1979 and 1989 the budget of the Ministry of Public Health and Social Welfare (MSPAS) declined by approximately 30 per cent in real terms, with operating expenditure bearing the brunt. In addition to financial restrictions, the supply of public health services suffered serious difficulties, including the following: (i) shortcomings in the public health education programmes provided for the population; (ii) a misguided emphasis on the provision of essentially curative services; (iii) administrative obstacles; (iv) a high concentration of services in the San Salvador metropolitan area; and (v) inadequate maintenance of the infrastructure of health establishments.

112. This state of affairs had direct repercussions on the health of families and of children, whose growth and development it jeopardized. The armed conflict further aggravated the situation of children as well as being responsible for the break-up of families, orphanhood and homelessness, violence, problems of unemployment and inadequate income and deficiencies in the provision of education and other basic services. The domestic conflict also affected the mental health of Salvadorians and increased the number of minors in abnormal situations facing acute emotional crises.

113. Responsibility for health care is essentially borne by the Ministry of Health, which possesses a network of 390 units throughout the country. The target group comprises approximately 80 per cent of the population, as the Department of Social Security and the private sector cover the remaining 20 per cent.

1. Infant mortality and morbidity

114. Infant mortality and morbidity count among the main problems affecting children in El Salvador. The principal causes of infant mortality among children between the ages of 1 and 4 are perinatal deaths, malnutrition, acute gastro-enteritis and respiratory and immuno-preventive disease.

115. Over 60 per cent of infant morbidity is linked to infectious disease. Parasitic infection, influenza, diarrhoea and amoebiasis are still the principal causes of illness and medical consultation. Nationally, the proportion of medical consultations for general morbidity among children under the age of 5 is 53 per cent.

116. For its part, the population of displaced persons suffers from morbidity and mortality levels three times higher than the remainder of the population (21 per 1,000, as compared with 6.9 per 1,000).

2. Malnutrition

117. Protein-calorie malnutrition, which affected 50.1 per cent of the population aged under 5 in 1989, is a further cause of infant and pre-school mortality. A similar phenomenon can be observed in respect of specific nutritional anaemia, which affected 23 per cent of the population aged under 5, most notably with vitamin A, iodine and iron deficiency. Studies indicated that rural children, who between the ages of 12 and 36 months suffered physical retardation, were most seriously affected. Recent research has shown significant progress, although nutritional problems persist, particularly among the poorest sectors of the population, and consequently among children, pregnant women and lactating mothers.

3. Maternal mortality

118. In 1989, maternal mortality was 1.4 per 1,000 live births. Noteworthy among the main causes were the following: (i) infections, toxaemia and haemorrhage, largely attributable to inadequate care during pregnancy; and (ii) the absence of timely and proper care during childbirth, as most births take place outside medical establishments.

119. According to a study on epidemiology of maternal mortality in institutions, completed in 1990 and carried out in MSPAS hospitals and health centres, 21 per cent of maternal mortality concerned adolescents aged under 19, while 43.7 per cent was accounted for by women of child-bearing age between 20 and 34. Of the latter, 67.2 per cent were from rural areas. In 70 per cent of cases the mothers received no antenatal assistance and their deaths could have been avoided with proper care.

4. Breast-feeding and weaning

120. Ignorance, lack of familiarity with breast-feeding and lack of education are the main reasons why it is not more widespread in El Salvador as the sole method of feeding. Studies have shown that other foods are usually introduced at a very early age. According to UNICEF and to studies carried out by the Centre to Encourage Breast-Feeding (CALMA), the average age of weaning was between 10 and 12 months. However, most children had been partly weaned before 3 months. The percentage rose to 66 per cent in the case of penultimate children and 82 per cent in the case of the last-born.

B. Evaluation of achievements, results and difficulties

121. The strategy, policies and measures laid down in the National Health Plan to achieve the objectives set by MSPAS have encountered serious budgetary and financial restrictions in conjunction with administrative difficulties. However, in spite of these problems, the impact achieved by the implementation of the plan's policies and measures has been significant. According to a World Bank assessment, infant mortality in El Salvador went down from 57 per thousand in 1988 to 53 per thousand in 1990 as a result of the mother and child care policies implemented in accordance with the Government's Social Development Plan. As a result, El Salvador's infant mortality rate fell from the highest in Central America to the second lowest, after Costa Rica, and below the Latin American average of 54.6 per thousand.

1. Main achievements in the health field in the 1990-1991 period

122. The extension of the coverage provided by the vaccination, community health, basic sanitation, supplementary food and oral rehydration programmes is the most significant action carried out by the Government in the health field. The coverage of vaccination campaigns was expanded to cover 80 per cent of the target population (children aged under 5 and pregnant mothers), an achievement which in December 1990 earned El Salvador the International Prize awarded by UNICEF. In the case of children aged under 5, coverage fluctuated between 64 and 70 per cent among the various vaccines. In addition, overall coordination of the efforts made by international agencies, government institutions and NGOs was successfully promoted.

123. The supplementary food programme was expanded by 20 per cent in comparison with 1989.

124. Technical work was begun for the implementation of the project to fortify sugar with vitamin A next year.

125. In order to improve the quality and coverage of health services, health units and health stations were built or reconstructed. The number of community health workers was increased (579 fieldworkers and 3,064 barefoot midwives were trained).

126. Efforts to involve the private sector in implementing the oral rehydration programme proved successful.

127. An effort was made to redirect expenditure towards primary health care, and towards the most vulnerable groups, women and children, as they represent approximately 65 per cent of the total population.

128. One of the most significant achievements in 1991 was the preparation and implementation of the National Health Plan, which falls within the framework of the Government's Social Development Plan. This document defines strategy and sets out guidelines for national health policy and health programmes for the development of operational plans within the various levels of health care, in order to improve the population's state of health. One notable feature is the change of orientation in health policy, with emphasis on preventive treatment of disease, based on health education and environmental improvement.

129. Another substantial achievement in 1991 was the change in the role played by MSPAS, which, from being a merely executive body, assumed responsibility for improving care and for standard-setting, so as to extend coverage and improve the quality of health services, through community and private sector involvement in solving health problems.

130. Nutritionists were recruited and equipment and material provided to 40 per cent of the health stations located in the 78 poorest municipalities in El Salvador, classified as those with the highest risk.

131. In order to check the problem of vitamin A deficiency, 70 per cent of the 1990/91 sugar harvest was fortified as a measure to prevent possible blindness. Megadoses of vitamin A were also provided. Efforts aimed at amending legislation to ensure the iodization of salt were revived: this is continuing during 1992.

132. As part of the National Tuberculosis Control Programme, coordination was introduced between 284 health establishments and 86 laboratories which, in conjunction with the Ministry of Agriculture, the Salvadorian Institute of Social Security, the National Telecommunications Administration and the Military Hospital, succeeded in extending the coverage and effectiveness of their activities.

133. As regards epidemic monitoring, (i) the programme for spraying homes with residual-effect insecticide in high-transmission zones was continued; (ii) the project for the drainage and sanitation of the Estero de San Diego, in La Libertad department was finalized, to reduce the sources of the transmitting vector; (iii) funds were invested to further staff training; (iv) mechanisms were put into operation to achieve greater community involvement; and (v) preventive and curative treatment was provided. Thanks to these measures, the incidence of malaria is well below regional levels.

134. The presence of cholera in El Salvador, after August 1991, made it necessary to draw up an emergency plan, which MSPAS coordinated with the various government institutions and NGOs. An extensive preventive educational programme was carried out nationwide, the oral rehydration programme was extended through the inauguration of new Oral Rehydration Units (URO) and regional workshops were set up to build latrines; as a result of these measures fewer cases were recorded than forecast. As of May 1992, MSPAS recorded 4,557 cases of cholera, 394 of which concerned children aged under 14.

135. In the first half of 1992 MSPAS successfully set up six integrated local health systems (SILOS) nationwide, which constitute operational means of speeding up the implementation of the strategies planned within the National Health Plan. This has made it possible to achieve democratic, active, coordinated and mutually responsible involvement on the part of all members of society in identifying and providing comprehensive solutions to the health problems of the population within their geographical area of influence.

136. During the same period, two one-day vaccination programmes were organized, in addition to the regular programmes carried out in health establishments; as a result more than 1,516,000 vaccinations were given (i.e. DPT: 281,000 doses; polio: 695,000 doses; measles: 92,000 doses; BCG: 47,000 doses; and diphtheria: 401,000 doses).

137. The Mother and Child Care Programme was also recently updated in order to reorganize internal directives for the introduction of programmes and standards which serve to negotiate and coordinate, both internally and externally, the implementation of activities to improve the health of mothers and children.

138. As regards physical rehabilitation, 8,000 patients were treated in 1991 through the Salvadorian Institute for the Rehabilitation of the Disabled (ISRI), although in this field actual demand far exceeds the institute's capacity.

2. Environmental sanitation

139. The following results were achieved in 1991 through MSPAS: (i) 15 water supply projects were carried out, benefiting over 40,000 rural inhabitants; (ii) 14,000 latrines were built, mostly in rural areas. As a result a contribution was made to reducing the sources of diarrhoea and parasitic disease. Moreover, individual solutions were provided and sanitation was improved through the installation of PVC pumps to draw water, while compost privies were installed in the coastal region.

140. In 1991, the Water Mains and Sewers Board (ANDA) extended its coverage, so that 76.8 per cent of the urban population were connected to water mains and 61.4 per cent to sewers.

141. Water supply increased from 99.7 million cubic metres in 1990 to 114.5 million in 1991. As regards water treatment, improvements were also made in the number of bacteriological analyses, which rose from 925 in 1990 to 3,262 in 1991. The number of chlorine-treatment plants increased from 189

in 1990 to 218 in 1991 and the number of samples taken from industrial discharges rose from 147 to 257 over the same period.

142. As an emergency measure to check the cholera epidemic, in 1991 ANDA treated drinking water for the whole of the population with chlorine.

C. Technical and financial cooperation requirements

143. In view of the scale of demand and financial restrictions, the health sector is in need of strong and firm support from bilateral and multilateral institutions. At the present time international cooperation is deeply involved in financing the sector, and provides over half the funds, accounting for approximately 15 per cent of the total cost of the programmes and/or projects planned until 1994. In addition, MSPAS benefits from technical assistance, mainly aimed at improving its institutional capacity and training.

144. In view of the orientation and priorities of government health policy, the necessary international cooperation will have to be compatible with the following: (i) primary health care for the benefit of the most vulnerable groups; (ii) improving the response capacity of health centres; and (iii) efforts to enhance inter-agency coordination and community involvement.

VII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES

A. Diagnosis and problems

145. The education sector was also severely affected by the economic, social and political crisis. Public expenditure on education fell from 3.9 per cent of gross domestic product in 1980 to 1.8 per cent in 1989. The budget of the Ministry of Education (MINED) fell by some 40 per cent in real terms during the 1980s, to a level lower than that of 1979. The proportion of the Ministry's total budget accounted for by salaries rose from 85 per cent in 1973 to 96 per cent in 1989, thus leaving virtually no resources for expenditure on text books, educational support materials and other essential operational inputs.

146. As a result of the foregoing, educational indicators in El Salvador were among the worst in Latin America at the end of 1988. Primary education coverage fell from 80 per cent in 1979 to 61 per cent in 1981, recovering to only 70 per cent in 1988. Despite the fact that education is compulsory for children between the ages of 7 and 12, it was estimated that some 265,000 children in rural areas did not have access to primary education. That meant that 34 per cent of the population between the ages of five and eight were not included in the educational system and the national average of school attendance in urban areas was 4.5 grades and in rural areas 3.1 grades. The problem is greater at preschool level, where only 14 per cent of children of preschool age were provided for by the educational system.

147. Salvadorian education also experienced high drop-out, absenteeism and repetition rates, these being one of the explanations of the high rate of illiteracy. It is estimated that some 30 per cent of the economically active population were illiterate at the end of 1988.

148. The foregoing was aggravated by the lack of education in moral and civic values.

149. Factors contributing to this state of affairs were (i) an educational system suffering from a low budget allocation, which historically was not given priority, direction or focus, with the result that programmes, projects and activities were not implemented in a coordinated manner; (ii) problems of nutrition and health, lack of early learning and preschool education, which contributed to low levels of school attendance; (iii) irrelevance of the curriculum; (iv) concentration of responsibility for education in the Ministry of Education, which prevented greater participation by other institutions in improving the quality of education; (v) traditional and bureaucratic practices which restricted the development of the educational system; and (vi) absence of appropriate mechanisms for monitoring, evaluating and supervising the coverage and quality of education.

150. With regard to leisure activities, there has never been a policy for recreation programmes; consequently, this area requires special attention.

B. Measures carried out in 1990 and 1991

151. Given the priority which the 1989-1994 Social Development Plan assigns to the education sector, together with that of health, as an essential means of achieving comprehensive development of individuals and creating conditions to eradicate extreme poverty in the medium term, MINED made a substantial change in its policy approach from 1990 on. This change is aimed at focusing human and financial resources on extending the coverage of education with priority to preschool and basic levels, in order to reduce drop-out, absenteeism, repetition and hence illiteracy rates. This new approach was supported by programmes, projects and activities designed to modernize institutions and decentralize functions and activities so as to share responsibility for education with other sectors.

152. MINED also endeavoured to strengthen educational and cultural quality by changing the direction of its policy, with the intention of raising the quality of educational and cultural services and including training in civic and moral values.

153. The experiment with this new approach in educational policy beginning in June 1989 has produced the following results:

1. Increased educational coverage

154. The most significant result in 1990 was the increased coverage of the educational system, primarily as a result of two national projects: (i) Community Participation in Infant Education (EDUCO), which includes expansion of educational centres for preschool and first-grade children, principally in rural and marginal urban areas; and (ii) integrating education and nutrition by means of the nutritionally improved bread distributed in conjunction with communal educational associations and with the support of the World Food Programme.

155. According to the urban homes survey carried out by the Ministry of Planning and Coordination of Economic and Social Development (MIPLAN), a significant increase was noted in 1990 in educational coverage focusing on preschool education and the first three grades of basic education. Another positive advance shown by the survey is the reduction by 1 percentage point in the proportion of illiterates over the age of six in urban areas between 1988-1989 and 1990-1991.

156. In 1991, the school-/community relationship and the sharing of responsibility for education was enriched by the introduction of the EDUCO programme, whose prime objective is to extend coverage in preschool education and the first grade of basic education by promoting and creating new classes and engaging teachers to teach them. The implementation of EDUCO has also encouraged parents and poor rural communities to take part in defining and managing the educational process.

157. The EDUCO programme, an essential part of the Project for the Rehabilitation of the Social Sectors, operates by fund transfers from MINED to the Communal Education Associations (ACE) so that they can directly administer and define the educational process in their communities. In 1991, MINED brought about the establishment of 237 ACEs, to the benefit of 154 communities, engaged 263 teachers and extended the provision of education to more than 13,000 children. This programme was expanded nationally at the beginning of the 1992 school year, rising to 879 ACEs in 609 communities, with 974 teachers and a coverage of almost 52,000 children.

158. MINED also continued implementing the PAIN programme in 1991, thus providing support for almost 15,800 children up to the age of 6 in rural areas, an increase of more than 21 per cent compared with 1990.

159. In turn, under the Programme for Development of Basic Education and Preventive Health Care some 243,000 children were provided with supplementary food, and this activity had great impact in combating dropping out. Given that the current coverage of the programme is 70 per cent, it is estimated that the total coverage envisaged for 1994 will be achieved.

2. Improvement in the quality of educational services

160. Improved quality of educational services is one of the successes achieved, through the preparation of new educational materials and changes in the curriculum. In 1990, 143,000 children of preschool and first grade (equivalent to 51.3 per cent of the preschool and first-grade population) were provided with 286,000 reading-writing and mathematics textbooks, 8,750 teachers were provided with new teaching material.

161. Readapting and rehabilitating 775 classrooms also contributed substantially to improving the quality of services, as did the implementation of the joint nutrition programme, involving MINED, the Ministry of Health and Social Welfare and the World Food Programme (WFP).

162. Among other actions taken in 1991 to increase the quality of education mention should be made of: (i) the design of curriculum guidelines for preschool education and the first three grades of basic education;

(ii) design, evaluation and analysis of subjects offered in the first year of basic education; and (iii) the inclusion of health, food and nutrition as new subjects in basic education programmes.

163. Furthermore, the quality of the curriculum was improved and a distinction was drawn between urban and rural zones with the aim of more specialized teaching. For this purpose 92,000 reading-writing and mathematics textbooks were produced, as well as almost 77,000 teaching guides for the first three years of basic education. These actions have a great impact since they focus on the base of the educational pyramid.

164. Various works to improve, maintain, repair and create new classrooms and infant recreation centres were undertaken in 1991. One hundred and seventy four school centres were improved, 17 small nursery schools were built, 334 new classrooms were built, 246 were rebuilt and maintenance work was carried out on 3,602 classrooms.

165. In conjunction with the above-mentioned actions, steps have been taken to decentralize administration with the aim of supporting and speeding up efforts to increase the coverage and quality of the educational system.

166. A start was made on designing the statistical and management information system, for use at a technical and operational level, which will serve for planning educational development and decision-making. At the same time, systems for school maintenance, purchasing, storage, distribution of materials, food and other systems were designed.

167. All these measures have contributed decisively to (i) strengthening the school-/community relationship, with the support of public national, municipal and private bodies (NGOs) and international bodies, and (ii) reducing dropping out, absenteeism and repetition caused by nutritional and health factors.

3. Larger budget allocation

168. Another important achievement was the larger budget allocation obtained by the education sector in 1990, which was directed towards priority towns, geographical areas and programmes.

169. In 1990, the regular budget of MINED was increased by 5 per cent, in real terms, compared with 1989 and 74 per cent of this focused on preschool and basic education. With regard to the extraordinary budget received by MINED, more than 70 per cent was directed to the preschool and basic level, in accordance with the focus and priority stipulated in the Social Development Plan.

170. The education budget was again increased by 6.8 per cent, in real terms, in 1991 compared with the previous year.

4. Reforms of the institutional and legal framework

171. MINED considered it appropriate, in conjunction with the above-mentioned measures, to improve the coverage and quality of education by taking steps to modernize the institutional and legal framework. Among the main achievements

in modernizing the legal and institutional framework, the following should be noted:

(a) The General Education Act;

(b) Discussion of draft laws on higher education and protection of rural life;

(c) Preparation of preliminary drafts of laws on protection of the cultural heritage and creation of the National Council for Culture.

C. Technical and financial cooperation requirements

172. The Government of El Salvador has endeavoured to provide resources to achieve the stated objectives of the Economic and Social Development Plan 1989-1994 and the National Plan of Action for Children. This is evidenced by the budget reallocation which has taken place year after year, directing ever-increasing funds to the social sectors, in order to solve problems faced by the most vulnerable groups.

173. With the signature of the Peace Agreements and their implementation, there is a need to expand the coverage of basic services to those groups of the population for whom those services were interrupted by the conflict.

174. The contribution of international bodies to education up to 1991 amounted to US$ 64.9 million, representing 60 per cent of the funds available in the sector. Of the total extraordinary budget received by the sector, 92 per cent went to basic education, including the joint supplementary food programme between MINED and MSPAS.

175. At the present time, the Agency for International Development (AID), the United Nations Development Programme (UNDP), the Organization of American States (OAS), the World Bank, the Inter-American Development Bank (IDB) and other donors are contributing decisively to the implementation of high-impact programmes and/or projects, such as: PAIN, SABE, EBACONTODOS, EDUCO, the Active School, the Long-Distance Learning System (SED), and the Supplementary Food Programme, which are congruent with the approach, focus and determination of selected priority areas by MINED.

176. There are also other bodies which provide decisive support to NGOs working in the education sector, such as the Social Investment Fund. At the present time there are 27 projects which will be implemented during the period 1992-1994.

177. MINED, in common with MSPAS, has the following objectives: (i) to target its resources on expanding educational services in rural areas, with priority to children and women; (ii) to improve the quality of educational services in relation to community needs; (iii) to improve the mechanisms for inter-agency and inter-institutional coordination; and (iv) to promote community participation in the search for solutions to their problems, so that they assume a shared responsibility with MINED. Given the scale of this endeavour, the health sector will require continuing support from foreign technical and financial assistance.

VIII. SPECIAL PROTECTION MEASURES

A. Children in situations of emergency: children in armed conflicts, refugee, repatriated and displaced children, including physical recovery and social reintegration

178. Salvadorian children were directly or indirectly affected by the violence which the country experienced, whether involved as aggressors or as victims. Clearly these conditions hindered the normal physical, intellectual and emotional development of the child. In analysing the psychological effects of the conflict, three variables must be considered: socio-economic level and geographical location, degree of involvement, and time span, since the war had differing effects on the population.

179. The fighting generally took place in rural areas, inhabited by people with limited resources, who were used for strategic purposes: on the one hand, as a shield for movements, obtaining logistic support or launching combat or sabotage operations; on the other, they were subject to pressure to obtain information and to destroy the insurgent activity. This particularly exposed children in the poorest areas to the direct and indirect effects of the fighting. Consequently, there are populations of children who were very much caught up in the conflict, while others were less affected.

180. Experience throughout history has shown that being involved in or exposed to war situations can cause traumas, particularly among children. This is also related to the degree of involvement and the length of exposure to violent situations or emotional stress. In El Salvador, some of the most visible effects of the war on the psychological development of children are: aggressive behaviour, states of anxiety and moods of depression. Continuous and long exposure to situations of violence or danger affect the development and emotional state of the individual, resulting in cases of insecurity and depression among children.

181. In addition, there are other socio-economic factors indirectly related to the conflict, which caused changes of residence and separation from loved ones, such as: (i) the desire to find places of residence which were more secure for the whole family or just for the children, and (ii) the search for better sources of employment in the towns or abroad. Separation from loved ones, grief, and migrations affected the process of the child's identification with the social environment.

1. Specific measures of implementation

182. Specific measures of implementation in this area are to a large extent covered by the Secretariat for National Reconstruction (SER), whose functions include support for people most affected by the armed conflict. The first or contingency phase of the National Reconstruction Plan (PRN) - about to be concluded - consists of the most urgent projects, with emphasis on those which provide for the rehabilitation of the basic infrastructure, health, education and productive capacity. The second or medium-term phase consists of projects essential to provide for the basic needs of groups and districts which were most severely affected by the conflict, to facilitate their reintegration in the economy and social life of the country.

183. The main programmes and projects developed by the SER, in the framework of the PRN and with the support of government institutions, municipalities and NGOs, include: community maternal homes, construction or reconstruction of rural mixed schools and other centres of learning, cultural centres, community centres, medical units, water supply and sewerage infrastructure. The SER has also collaborated in actions with the Ministry of Education, under the EDUCO programme, to facilitate the engagement of 61 new teachers by the respective communities, to the benefit of more than 1,500 children in the towns covered by the PRN.

184. For its part, in order to provide care for people disabled by the conflict, the Salvadorian Institute for the Rehabilitation of the Disabled (ISRI) has set up a project for the wider provision of rehabilitation services, through health centres and medical units, for the period 1993-1996. This project is intended to cover victims, who include a large proportion of children and young people, in 40 towns throughout the country.

2. Difficulties

185. The polarization caused by the fighting has made it difficult to launch initiatives in communities of repatriated and displaced persons.

186. The scant information available on the number and conditions of juveniles living in emergency situations makes it difficult to grasp the true scale of the problem and thus find solutions to it.

187. In the war zones, as a result of the fighting, government involvement in child development programmes was restricted or impossible.

188. The situation of refugees organized in communities under the care of international organizations or the Government of the country where they were residing made it difficult for the State to provide appropriate services to these people and particularly to the children.

189. The communities of people affected by the war generated their own personnel due to the need to cover requirements, primarily in the areas of health, education and recreation. However, with the advent of peace, legal recognition should be given to the achievements of these children in exceptional circumstances, such as educational certificates, birth certificates and so on.

190. The ideological differences between the Government and the Frente Farabundo Martí para la Liberación Nacional (FMLN) sometimes make it difficult to coordinate programmes for children in extreme situations in the former war zones. Despite this, there have recently been some breakthroughs in the form of community banks and welfare homes.

191. There is a lack of technical personnel, vocational centres and rehabilitation centres appropriate to the needs of children affected by the armed conflict.

B. Children in conflict with the law

192. The judicial authorities, through Juvenile Magistrates appointed by the Supreme Court of Justice, order measures for the protection of children under the age of 16 who have committed criminal offences, referring them for this purpose to the Directorate-General for the Protection of Minors of the Ministry of Justice, which is responsible for the organization and administration of the system for the protection of juvenile offenders. Those over that age are subject to the ordinary criminal jurisdiction. The legislation recognizes the right of a person to be presumed innocent and the right to be informed without delay of the charges against him, the right to a defence, the right to due process before the natural judge, the right not to testify against himself, the right to appeal against decisions before a higher court, the right to be assisted by an interpreter where necessary, and the right to respect for his life and integrity in any proceedings (Minors' Code, arts. 63, 64, 65 and 67; Political Constitution of the Republic, arts. 11, 12, 13 and 21).

193. Under the Minors' Code, no one under the age of 16 may be detained other than by the express order of the Juvenile Court, except in the case of flagrante delicto, when he may be detained by the authorities or any person, subject to the guarantees necessary to safeguard his physical and moral integrity. Attached to each Juvenile Court is a Procurator for Minors who ensures compliance with the rights of the child (Minors' Code, arts. 70, 02, 107 and 108).

194. With regard to the punishment of children, in particular prohibition of the death penalty and life imprisonment, the death penalty for ordinary offences has been abolished in El Salvador. Life imprisonment, infamous punishments and all forms of torture, among others, are prohibited (Political Constitution, art. 27).

1. Specific measures of implementation

195. This year the Ministry of Justice began implementing the project "Model Centre for the Treatment and Rehabilitation of Minors", with the object of segregating juvenile offenders between the ages of 16 and 18 from adult prisoners and providing them with special treatment to re-educate them and reintegrate them in society. In order to increase coverage for the three regions of the country, the number of Juvenile Courts has been increased.

2. Difficulties

196. Difficulties in applying these measures are:

(a) The fact that the existing law is inappropriate to modern trends in legislation relating to minors;

(b) Inadequate technical training among some officials and employees responsible for the administration of justice;

(c) Insufficient staff and courts to meet the requirements of the legal service;

(d) Ignorance of the rights of the child on the part of the population;

(e) Lack of substitute measures as an alternative to institutionalization;

(f) Limited preventive programmes for minors at risk;

(g) Despite progress, complete coordination has not yet been achieved between public and private sectors and institutions concerned with child protection policies;

(h) Lack of monitoring of cases of minors who are being dealt with under the law;

(i) The violence led to neglect for the rights of the child, primarily in the war zones, with regard to health, education, civil guarantees and enforced recruitment, by both parties to the conflict, at prohibited ages.

C. Children subject to exploitation (abuse, drugs, trafficking and exploitation in employment), including physical and psychological recovery and social reintegration

1. Specific measures of implementation

197. Salvadorian legislation, in particular the Labour Code, prohibits work by anyone under the age of 14, and only in exceptional situations are juveniles between the ages of 14 and 18 permitted to work, subject to authorization by the Ministry of Labour or, failing that, the supreme authority in the district.

198. There are legal sanctions for the use, distribution, sale, promotion and cultivation of substances which create physical or psychological dependence.

199. There are legal sanctions against sexual abuse and exploitation, although there are differences concerning the age of the passive subject. The Minors' Code prohibits the presence of juveniles in places which are unsuitable for their moral education (arts. 47 and 201 of the Penal Code).

200. Salvadorian legislation provides sanctions against the sale of, trafficking in and abduction of minors, to protect the liberty of the minors in accordance with the Convention on the Rights of the Child (art. 49 of the Penal Code).

201. There is no specific legislation for children belonging to ethnic or indigenous groups, but the Constitution and the Minors' Code establish equality of persons before the law, freedom of expression, thought and religion and freedom from discrimination (Political Constitution of the Republic, arts. 3, 6 and 25, Minors' Code).

202. The National Council for Disabled Children was established and an appropriate policy is being developed, in coordination with the SNF and MINED.

2. Difficulties

203. Difficulties in applying the measures are:

(a) Lack of policies and gaps in the law on children's protection have facilitated the sale of, trafficking in and abduction of juveniles;

(b) Although preventive programmes concerning the problem are being developed, the lack of technical and financial resources restricts coverage;

(c) Lack of financial and technical resources to meet demand, which has led to limited response to follow-up and social reintegration programmes;

(d) Lack of coordination between legal centres and bodies working with this category of children;

(e) Lack of data giving a true picture of the situation regarding children;

(f) For technical and economic reasons, juvenile care centres have not provided an effective response to the problem, or followed up the social reintegration supposedly envisaged in the programmes;

(g) Family income insufficient to satisfy family needs, which forces minors to go out to work at an early age or develop survival strategies such as prostitution;

(h) Lack of recreational centres and programmes designed to promote mental health, which has led to problems such as drug use;

(i) Lack of laws to regulate the consumption of alcohol and tobacco in El Salvador;

(j) Lack of effective controls to ensure compliance with the law.

IX. PLANNED ACTION

A. Legislative action

204. The Government of El Salvador has taken various legislative initiatives to bring domestic legislation into line with the provisions of the Constitution and with international human rights law, as well as with the Convention on the Rights of the Child. They include the following:

(a) Bill relating to enhanced protection for juvenile offenders;

(b) Family Code bill;

(c) Family Procedural Code bill;

(d) Bill relating to the establishment of Family Courts;

(e) Bill relating to the establishment of the Salvadorian Institute for the Protection of Minors;

(f) Bill relating to Freedom of Expression and Publicizing of Ideas.

205. The Institute of Criminal Investigation has recently been set up to provide information in a technical capacity in autopsies, and in respect of rape and other offences.

206. El Salvador also intends to sign, ratify and accede to international ILO and human rights treaties relating to the rights of the child.

B. Action in regard to non-discrimination

207. Mention should be made of the recent adoption of the Military Service and Armed Forces Reserve Act (July 1992), which fully guarantees non-discrimination with regard to military service.

208. The Government is implementing a range of programmes, in conjunction with non-governmental organizations engaged in prevention, in the form of Schools for Parents, whose purpose is to provide better education on parental guidance. The debate has widened thanks to the mass media, which devote attention to the situation of Salvadorian children and endeavour to develop awareness and knowledge of children, their needs and rights, and to emphasize society's duty to accept and respect them regardless of their race, creed, religion, sex and social status.

209. Legislative measures are currently planned as an attempt to solve the problems encountered in this area: they include the adoption of the Family Code, which clearly incorporates into subordinate legislation the principle of non-discrimination against minors, the abrogation of the existing Minor Code and the adoption of a new act to replace it, the Act for the Protection of Juvenile Offenders, which incorporates and details safeguards and rights from the Convention on the Rights of the Child, and a number of legislative reforms to relevant areas of the existing Civil Code.

C. Action in regard to the best interests of the child

210. This includes:

(a) Family Code bill;

(b) Approval of the National Policy for the Care of Minors;

(c) Bill relating to the Salvadorian Institute for the Protection of Minors;

(d) Elaboration of the national system for the protection of minors, with the participation of government institutions and NGOs;

(e) A new impetus for inter-agency policies (Government, NGOs and international organizations);

(f) Labour Code bill;

(g) Programme for the care of minors and street-children;

(h) Programme to care for minors struggling to survive;

(i) Programmes to prevent child abuse;

(j) Programmes to provide support and education for adolescent mothers.

D. Action in regard to the rights and freedoms of the individual

211. A number of bills have recently been drawn up: the Family Code bill; the Juvenile Offenders bill; the bill relating to the amendment of the Judicial Organization Act; the bill relating to the Establishment of the Salvadorian Institute for the Protection of Minors. The overall objective of these bills is to fill gaps in Salvadorian legislation on policy towards children.

212. A department of government procurators for juveniles operates within the Office of the Government Procurator for the Defence of Human Rights which was recently set up under the constitutional reform; the department will have a positive impact in ensuring that the rights of children are observed.

213. Information and education campaigns on the rights of the child have been waged both through the mass media and through basic education curricula.

214. It is planned to establish maternal homes throughout the country.

215. A periodic assessment of the programmes implemented by government child-care institutions is necessary, as well as of those responsible for implementing them, in order to ensure their effectiveness.

E. Action in regard to the family environment

216. The aim of the various subsidiary laws currently being adopted is to draw up a comprehensive policy for the protection of minors.

217. The assessment of the programmes and of the personnel responsible for implementing them, together with the collection of reliable statistical data, will constitute important features of the managerial methods of child-care institutions.

218. Although this aspect has received little attention in spite of its importance and of the wealth of information it provides regarding the coverage and effectiveness of the execution of the programmes implemented, the onset of peace offers the possibility of setting up departments with technical resources and personnel specializing in the collection of data on children receiving protection and care both at the primary level and during follow-up by the appropriate institutions.

219. As regards prevention, programmes will be drawn up to tackle the critical social and family situation of children up to 18 years of age under imminent threat of adopting survival strategies such as, inter alia, vagrancy, dropping

out, prostitution and drug-addiction. A fundamental feature of the programmes will be the involvement of the family group and the community; they will be implemented nationwide, both in urban and in rural areas. Their prime objectives are the following:

(a) To make a joint effort through government policy and the community to strengthen means of protecting minors;

(b) To lay down guidelines for national social development in which responsibility for planning, implementing and directing action to strengthen family ties, as well as moral and civic values, is shared by the family and the community;

(c) To determine strategies for preventive measures at the community level;

(d) To develop the community's awareness of its problems, their causes and effects, by the use of educational strategies and the mass media;

(e) To encourage community mobilization so that those who directly benefit from the programme feel part and parcel of the social change instigated;

(f) To draw up strategies for assessing preventive programmes and their various phases so as to provide ongoing feedback on their effectiveness and on the performance of those responsible for them.

F. Action in regard to health

220. Action in this area involves pursuing the project for the Rehabilitation of the Social Sectors in order principally to enhance primary care, monitoring, the equipping of health establishments and nutrition.

221. In 1992 the budget of MSPAS went up by 31 per cent and it redirected 13 per cent of its current expenditure in order further to enhance primary health care. The trend and the priorities adopted by the Government point towards a steady increase in the budget in coming years. However, the outstanding needs are beyond the response capacity given the scant available resources, particularly in view of the decline in external funds from international agencies. MSPAS has included in its plans an expansion of personnel training and an increase in the number of personnel in the field, recruited from communities themselves.

222. The National Reconstruction Plan will make it possible to reopen and equip even more of the health establishments previously closed because of the armed conflict; the number of mobile rural units will be increased and greater community involvement will be encouraged in order to bring health services closer to the population previously denied access to them. The Plan comprises specific projects for the contingency phase, and funding of 1.5 million colones has been approved for the rehabilitation of the Eastern Area Rehabilitation Centre, through which it is hoped to expand coverage for disabled people in that zone.

223. The Benjamín Bloom Children's Hospital is due to be inaugurated in 1993. Vaccination and oral rehydration programmes will be continued, measures for the rehabilitation of persons with physical and sensory handicaps will be extended, the development of special education will be furthered, the number of health educators and barefoot midwives increased, the number of mother and child hostels and rural nutrition centres expanded, projects will be carried out to promote breast-feeding and the development of environmental sanitation units will be encouraged.

224. In order to address the problem of malnutrition, MSPAS will continue to implement its food programme, through health establishments, to care for nursing and pregnant mothers and children below the age of 5 suffering from malnutrition. In 1992 the High-Nutrition Food Project will be implemented for children aged between 6 and 36 months, and extended to the 78 highest-risk municipalities in 1993; steps are under way to obtain financial assistance to keep the project in operation until 1996.

225. New water-supply and basic rural sanitation projects will be undertaken through MSPAS and ANDA together with projects to control solid and liquid waste in order to institute improved sanitary control over drinking water and sewage in the areas in which the National Reconstruction Plan is implemented.

226. Programmes to provide psychological care focusing on promoting primary and curative mental health will be drawn up and efforts will also be made to bring about reconciliation among the various sectors of national society, in order to develop a healthier social environment for children to grow up in.

G. Action in regard to education

227. In 1992 MINED will continue to implement education policy and will extend its activities to regions affected by the recently ended armed conflict in order to focus its resources on the needs of children of preschool and early primary-school age and to provide care programmes offering special education for those children most seriously affected by the conflict and the demobilized adult population. The purpose of this change of emphasis is to extend coverage to areas that were previously neglected and to improve the quality of services.

228. This reorientation and wider focus on populations, geographical areas and programmes will further develop the involvement of the community and other intermediate bodies and NGOs in the provision of educational services, not to mention, of course, the standard-setting and organizational role of MINED.

229. Thus, the 1992 budget has been increased by 13.3 per cent over 1991 in real terms, an increase that will benefit the preschool (14.4 per cent) and basic education (14.2 per cent) levels.

230. The Government intends to stimulate the implementation of the project to consolidate the attainments of basic education (SABE) for the benefit of children, and to establish 642 new ACEs.

231. The assessment carried out during the first quarter of 1992 found that 51,900 children were benefiting from the EDUCO Programme, thereby ensuring that the 1992 target will be met.

232. The following projects are due to be carried out as part of the reorientation and expansion of the provision of educational services to municipalities under the National Reconstruction Plan:

(a) The "Psychological and special care for child victims of the conflict" programme is due to be carried out in June 1992 and throughout 1993. It will benefit 1,400 children aged between 5 and 14 in 11 localities, and cost approximately cost 8 million colones. One hundred community educators, 40 teachers, 48 social psychology students and 12 technicians will be trained to ensure the success of this programme;

(b) A project will be undertaken to ensure the attainment of levels of education corresponding to the first to third grades of basic education and the first and second grade of adult education. The project is intended to cater for almost 108,000 children aged between 7 and 14 who were denied access to the formal educational system by the conflict. The cost of the project during the contingency phase is 2 million colones;

(c) A project to provide at least 40 municipalities covered by the National Reconstruction Plan with a basic educational infrastructure and to promote the establishment of centres to provide comprehensive care for children and adolescents;

(d) A project to set up and develop centres to provide care for children with learning difficulties stemming from the conflict. This project will benefit 14,000 children aged between 5 and 14 (2,800 per year), and 1,750 teachers and 24,000 parents are to be trained to allow it to operate. The total cost of the project is estimated at 46.8 million dollars, 55 per cent of which will be provided by international cooperation, and the remainder by the Government;

(e) As regards leisure, there are plans to design the necessary infrastructure and programmes to allow children to exercise their right to recreation.

H. Action in regard to children in situations of emergency: children in armed conflicts, refugee, repatriated and displaced children, including physical and social reintegration

233. As part of the National Reconstruction Plan, the Government of El Salvador has drawn up a range of programmes designed to resolve the main problems and the plight of those populations most seriously affected by the armed conflict. In the field of mental health, programmes to provide psychological care for child victims of the conflict are to be drawn up.

234. It is hoped that it will prove possible to expand the programmes of centres catering for children with learning difficulties by developing community involvement.

235. The need to provide education for a number of demobilized, displaced and repatriated communities has been appreciated and an assessment will be made of the need to open up new schools in addition to those already opened in 1992 through the EDUCO and other MINED projects.

236. There are also projects in the areas of housing and improvement of basic services, as well as for the provision of drinking water, sewage and electricity and a welfare centre, all of which are intended to improve the standard of living and quality of life of those populations hardest hit by the conflict. This will be of direct benefit to children in emergency situations in these areas.

237. In addition, as from September this year the process of documenting over 500,000 people will be initiated in all the departments of El Salvador, including 30,000 returnees from former areas of conflict in which the town halls and their registers were destroyed in the fighting. This task will be carried out by the Salvadorian Institute for Municipal Development (ISDEM), in conjunction with the Agency for International Development (AID) and the Office of the United Nations High Commissioner for Refugees (UNHCR). To this end, training has already been provided for mayors and registry officials and machinery has been set up to provide the persons concerned with documentation. This programme will provide a solution for many of the children and young people in emergency situations as a result of the conflict who lack documentation, and allow them to take their proper place in the institutional life of El Salvador.

I. Action in regard to children in conflict with the law

238. A series of bills and actions are planned as part of policy to provide care for minors:

(a) The establishment of the Institute for the Protection of Minors;

(b) Coordination between the Government and the relevant NGOs in promoting and safeguarding the rights of the child;

(c) Educational campaigns relating to the rights of the child;

(d) Multidisciplinary programmes to ensure rehabilitation and follow-up of minors during their reintegration into society.

J. Action to help children to avoid exploitation

239. In this respect:

(a) A set of subsidiary laws, such as the Family Code, designed to introduce a policy of comprehensive protection for children, are currently being approved;

(b) The legal system for the protection of minors is being brought into line with international conventions;

(c) The establishment of the Salvadorian Institute for the Protection of Minors is at the project stage;

(d) Policies are being drawn up to prevent the abuse of alcohol and addictive drugs;

(e) Schools for Parents Programmes are to be introduced;

(f) Nationwide community maternal homes are being established;

(g) The Attorney-General's Office is undertaking large-scale monitoring of programmes by means of visits to hospitals and places of work in order to ensure observance of the rights of the child and compliance with the law. With increased funding these programmes could achieve greater impact.

X. CONCLUSIONS

240. In the course of El Salvador's history, the plight of the country's children has been critical. Government social policy lacked a clear direction capable of giving children priority over other specific interests. This situation was compounded by other factors such as poverty, the feeble administration of justice, the lack of a human rights culture and legal gaps that impeded the comprehensive development of Salvadorian children.

241. Despite the undeniable shortcomings of Salvadorian society at the end of the 1970s, which were used to justify violence, the violence itself in turn became the main source of fresh problems, thereby intensifying existing ones in all spheres of society.

242. Either directly or indirectly, children in El Salvador have suffered from violence for nearly 12 years, either as volunteers on both sides, or as direct victims. In addition, children witnessed traumatic violence involving the loss of relatives or members of their community. The violence itself helped to socialize children, as one of the results of the conflict was the need for children to come to grips with the family, working and social environment at an early age. A number of recent studies have revealed the existence of traumatic post-conflict stress, which manifests itself through depression, anxiety and anguish, enuresis attributable to psychological causes and a high incidence of aggressive conduct, revealing symptoms linked to traumatic and violent experience.

243. The conflict caused a considerable proportion of the State's financial resources to be redirected, to the detriment of social expenditure, and specifically of the education and health budgets, while the rate of population growth remained high. The cut-back in the supply of services in conjunction with mistaken and badly structured policies which were wrongly focused and lacked coordination, at a time of increased demand led to serious shortcomings, to the detriment of the population as a whole, and in particular of children. This situation was aggravated by the destruction of infrastructure during fighting and by the 10 October 1986 earthquake. Data from the Ministry of Finance indicate that during the 1980s, 3,800 schools were destroyed in the course of the conflict, and a further 162 by the earthquake.

244. The conflict forced thousands of families and children to live as displaced persons or refugees, and many others to emigrate to the city, thereby increasing the level of begging, delinquency, drug-addiction and other deviant conduct attributable to their precarious living conditions. The break up of families was also both a consequence and a cause of the deterioration in the situation of El Salvador's children.

245. Public debt servicing, the social backwardness which characterized El Salvador at the end of the 1980s and the recently signed Peace Agreements will all require considerable investment by the State in terms of physical infrastructure and human capital, a burden which Salvadorian society as a whole will have to bear.

246. There are encouraging signs to be found in this distressing social situation. In recent years major changes have been made in dealing with and treating children. In principle, the establishment of the National Secretariat for the Family, which directs policy to provide care for minors and coordinates programmes with various State agencies and NGOs, has considerably changed the emphasis of child-care activities.

247. Efforts by the National Secretariat for the Family have led to major strides in the legal field. This year, laws have been amended and introduced and others are about to be approved by the legislature, in keeping both with the guidelines of the Government's Social Development Plan and with the Convention on the Rights of the Child. A contribution has thus been made to laying down a legal foundation on which to base policy for the protection of minors. Simultaneously, the Office of the Government Procurator for Human Rights has been established to monitor and implement programmes for the benefit of children.

248. The number of juvenile courts has been increased to provide a prompt response to cases involving minors at odds with the law.

249. Government organizations have begun a process of simplifying their programmes and of self-criticism, a task which was for many years neglected. The project for the establishment of the Salvadorian Institute for the Protection of Minors is designed to ensure that this becomes a permanent process, by means of programmes to assess the performance of institutions and of their personnel. Furthermore, current plans focus on strengthening prevention, which will in the long term reduce the problem of children in particularly difficult circumstances. In addition, traditional health, nutrition and education programmes have been reinforced in order to improve the quality and coverage of the services provided by the State. In turn, local authorities have begun working, with the participation of their own communities, for the benefit of Salvadorian children.

250. Although the transition from a period of conflict and violence to one of peace requires economic adjustment programmes which may initially carry a price for society, it is hoped that within the short term they will produce benefits for the most vulnerable sectors and improve the circumstances of families, who bear prime responsibility for protecting, caring for and bringing up children. This process will be further enhanced if social programmes give due attention to those sectors whose need is truly the

greatest, thereby improving efficient and effective use of State resources. El Salvador intends to capitalize on methods and techniques of popular education to develop awareness and involve marginal communities and those most severely affected by the conflict so that they may assume responsibility for solving their problems by themselves, on the basis of social justice and of clearly defined policies that give priority to furthering their own interests.

251. Joint action by private enterprise, NGOs and others in coordination with the subsidiary role of the State is the best means of strengthening and vitalizing a children's rights culture. In addition, the conclusion of the conflict offers new possibilities for joining forces through the strengthening of democracy.

252. To sum up, a substantive improvement is expected in the human rights sphere, and in particular with regard to the rights of the child, sustained by a clear political will on the part of the Government of El Salvador and improved monitoring involving effective controls to ensure that existing and future legislation is fully complied with.

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UNDER ARTICLE 44 OF THE CONVENTION

Initial reports of States parties due in 1992
Addendum

INDONESIA

(17 November 1992)

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* These tables are available, in English, for consultation in the files of the Centre for Human Right.

IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF THE CHILD IN INDONESIA

I. INDONESIA: A BRIEF OVERVIEW

A. Physical characteristics

1. Indonesia is located in south-east Asia, between the Asian continent in the north and the Australian continent in the south. Its territory extends over 5,000 kilometres from east to west and 1,750 kilometres from north to south. Situated along the equator, Indonesia is the world's largest archipelago, stretching from 94° 45' to 141° 05' east longitude, and 6° 08' north latitude to 11° 15' south latitude, bordered in the west and the south by the Indian Ocean and in the north by the South China Sea.

2. The Indonesian archipelago consists of 13,667 islands, of which some 6,000 are inhabited. The major islands are Kalimantan with its Indonesian area of about 539,460 sq km; Sumatra, with 473,605 sq km; Irian Jaya, with 421,981 sq km; Sulawesi, with 189,216 sq km; Java, including Madura island, with a land area of about 132,187 sq km. About half of Indonesia is forested and much of it is mountainous and volcanic.

B. Climate

3. Indonesia has a tropical, monsoon-type climate, featuring slight changes of seasons and temperature, a high degree of humidity and periodically heavy rainfall. There are two monsoons: the East monsoon, of the dry season, running from May to September, which is influenced by Australian continental air masses, and the West monsoon or the rainy season, running from December to March, which is influenced by the Asian continental and the Pacific Ocean air masses passing over the ocean.

4. The annual precipitation varies widely among regions, but generally averages between 750 and 2,000 mm. However, in the mountainous areas of the equatorial rainbelt (parts of Sumatra, Kalimantan and Sulawesi) the rainfall may exceed 4,000 mm per year. The duration of the dry and the rainy seasons differ substantially among the major regions of the country. The daily temperature varies between 22° and 27°C.

C. Population

5. The population of Indonesia is the fourth largest in the world after the People's Republic of China, India and the United States of America. The 1990 Population Census has enumerated a population of 179,378,946. Compared with the 1980 population which was 147,490,298, the annual rate of growth during the decade was 1.98 per cent. This annual rate of growth is lower than that of the latter part of the decade, which was 2.32 per cent. In 1990 about half of the population were children, 0-21 years of age. The uneven distribution of the population over the regions is one of the population problems encountered by the Indonesian Government. About 60 per cent of the population is concentrated in the island of Java, which is only 7 per cent of the nation's land area. The population density of the island of Java is 814 per sq km, while at the same time the population densities of the other islands are much lower, varying between 4 to 77 per sq km. (See table I of the Annex A for population distribution).

D. Political and administrative system

6. Indonesia is a democratic State based on Pancasila and the 1945 Constitution. Pancasila is the nation's outlook on life, consisting of five philosophical principles which are inseparable:

1. Belief in the One and Only God.
2. A Just and Civilized Humanity.
3. The Unity of Indonesia.
4. Democracy guided by the inner wisdom of deliberation of representatives.
5. Social Justice for the whole of the Indonesian People.

7. Pancasila is part of the Preamble to the 1945 Constitution. The highest organ of the State is the People's Consultative Assembly. As the holder of the people's sovereignty, it elects a President and a Vice- President for a five-year term and determines the Guidelines of the State Policy to be carried out by the President in his capacity as the Mandatory of the Assembly.

8. The People's Consultative Assembly has 1,000 members, with 500 from the House of Representatives (of which 400 are members of political organizations that participated in the general election plus representatives from the Provinces) and 100 from the representatives of the Armed Forces.

9. Indonesia is divided into 27 provinces or first level regions. Each province is headed by a Governor who is responsible to the President through the Minister of Home Affairs and represents the central Government in his province. He has to account annually for the performance of the regional administration to the Regional Representatives Council, which is also entitled to demand an account of the use of the budget allocated to his province.

10. The Governor is assisted by a Regional Secretary, Regional Inspectorate and a Regional Planning Board. Central Government departments have regional offices in each province, which administer central Government programmes. These offices report to the Governor as well as to their central Government departments. Besides those regional department offices, the regional governments have their own "technical offices" in such areas as agriculture, health, education and culture, and public works. These offices report directly to the Governor, and cooperate closely with their counterparts in the provincial offices of the central departments.

11. A province consists of second level regions made up of districts (kabupaten) or regencies and municipalities (kotamadya), headed respectively by a Bupati and a Walikota (Mayor), who are appointed by the Minister of Home Affairs from the candidates elected by the kabupaten or a kotamadya representatives council on the recommendation of the Governor.

12. Below the district level the administrative units are not autonomous. These are kecamatans or sub-districts which are administrative subdivisionsof the kabupaten or kotamadya. The head of a kecamatan is a camat. Some national government departments have their branches in the kecamatan office, such as the departments of Information, Education and Culture, Religious Affairs, Agriculture, etc. There are also small units of regional police and the Military Command. The number of kecamatan in Indonesia is 3,592.

13. Each kecamatan consists of several villages (desa in rural areas and kelurahan in cities or towns). The village head in rural areas is elected by the village community, while the kelurahan head (lurah) is a civil servant appointed by Bupati or Walikota. The total number of the desa and the kelurahan is 66,744.

14. In each desa or kelurahan, the so-called rukun tetangga (neighbourhood community) and rukun warga (household association) are found. A rukun tetangga (RT) consists of about 40 neighbouring households. Several RT's are coordinated by their rukun warga (RW) chairman. Both of these organizations are voluntary and non-formal. The main activities of these organizations are to take care of the social matters of the neighbourhood, but to a certain extent they also assist the village or kelurahan office, with population registration, etc.

E. History, social attitudes and culture

15. The first proof of the earliest inhabitants of Java was discovered by Dr. Eugene Dubois in 1890. Fossils of the "Java man" (Pithecanthropus erectus) dating back 500,000 years were excavated near Trinil village in East Java followed by other finds in later years.

16. Migration movements to Indonesia have been traced back to 3,000 - 500 B.C. of Mongoloid stock from China and Tonkin introducing new Stone, Bronze and Iron Age cultures and the Austronesian language. Indonesia came under the influence of Indian civilization through the gradual influx of Indian traders in the first century A.D. when great empires began to emerge bound to Hinduism and Buddhism. By the seventh century, the powerful Buddhist Kingdom of Sriwijaza expanded and it was probably during this period that the spectacular Borobudur Buddhist sanctuary was built in Central Java. The thirteenth century saw the rise of the fabulous Hindu empire of Mojopahit in East Java, which united the whole of Indonesia and parts of the Malay peninsula and ruled for two centuries.

17. The first attempt to invade Indonesia was by the Mongol emperor Kubilai Khan who was driven back in 1293. With the arrival of Arab traders, Islam spread gradually until the end of the sixteenth century and replaced Hinduism and Buddhism as the dominant religion. Small Moslem kingdoms arose, but none too strong towards the European penetration which followed.

18. The first European to set foot on Java was Marco Polo in 1292, but it was much later that the Portuguese arrived in pursuit of the spice trade in 1509 and established trading posts which they controlled from the strategic commercial centre of Malacca on Malay peninsula. The Dutch followed at the turn of the sixteenth century and succeeded in ousting the Portuguese to the easternmost islands where the Spaniards held some ports. The Dutch expanded control of the entire area in the seventeenth and eighteenth centuries and held it until the outbreak of the Second World War known as the Dutch East Indies, it fell under British rule for a short period (1811-1816) when the Netherlands was occupied by France during the Napoleonic wars. After Napoleon's downfall, the Dutch returned to Indonesia and continued pursuing their colonial policy.

19. The Second World War brought an end to Dutch domination when the Dutch armed forces surrendered to the Japanese in March 1942. The years of Japanese occupation (1942-1945) were a period of hardship, poverty, famine and hard

labour. Under pressure from the nationalists, the Japanese authorities were brought to recognize the Red-and-White as the national flag, Indonesia Raya as the national anthem, and Bahasa Indonesia as the national language. Indonesia proclaimed its independence on 17 August, 1945.

20. Indonesia is rich in art and culture, which are intertwined with religion and age-old traditions from the time of early migrants with Western thoughts brought by Portuguese traders and Dutch colonists.

21. Indonesia's multitude of customs and traditions, or adatistiadat, vary from region to region according to the religious background and cultural heritage of the different ethnic groupings. These age-old customs and traditions sometimes are slightly modified for practical reasons or adapted to present-day life.

22. The social attitude of the Gotong Royong (mutual assistance), mufakat dan musyawarah (achievement of consensus through the deliberations), kerukunan (harmony) and tolerance, were the main characteristics of the communities, and up to now are still the basic principles of social intercourse of the Indonesian villages in the rural areas. Gotong Royong will step in when houses, mosques, churches or temples are to be built, irrigation networks constructed, roads or bridges repaired, and in cases of births, marriages, deaths and other village ceremonies or festivals; all are carried out collectively by the villagers without receiving anything in return. The social institutions at work in the villages, aimed at raising the living standard of the village people and at the same time stimulating greater active participation in rural development, are the "Family Welfare Movements", where women play an important role. They help improve health conditions, increase the nutritive content of the people's diet, and take an active part in implementing Family Planning Programmes while arranging courses on various skills.

23. The majority of the population (about 87 per cent is Moslem; however, the Indonesian Constitution recognizes freedom of religion as specified in the first principle of the Pancasila state philosophy, being Belief in one Supreme God. Churches, Hindu and Buddhist temples are found throughout the country as are mosques of the moslem faith.

24. There are about 300 local languages and dialects spoken in Indonesia by approximately 360 ethnic groups. Some of these languages, such as Sundanese, Javanese and Balinese, have their own scripts. The Sundanese, Javanese, Madurese, Balinese and Lombok languages have distinctive hierarchical speech levels used according to the status in the family or society of the person being spoken to. Bahasa Indonesia is the national language, which is akin to Malay, written in Roman script and based on European orthography. Although Bahasa indonesia has become the lingua franca, spoken and understood all over the country, local languages and dialects continue to be spoken and will not be abolished.

25. The vast area of land and sea of the Indonesian archipelago, its numerous islands and the great variety in features, which made mutual contact between the different sections of population almost impossible, have been responsible for the individual development of cultural patterns and consequently also for the existence of multifarious customs and traditions, the great number of languages and dialects spoken and the different types of music, arts, crafts and architectural styles in regions. Moreover, foreign cultures introduced by

Hindus, Buddhists, Moslems, Christians and European traders have enriched the Indonesian culture although with different rates of absorption. Nevertheless, in spite of diversity in many fields, the Indonesian people are yet one at heart, as is symbolised in the nation's motto inscribed in the Coat of Arms which reads "Bhineka Tunggal Ika", meaning "Unity in Diversity".

II. OBJECTIVE OF THE NATIONAL DEVELOPMENT PROGRAMME IN REGARD TO CHILD WELFARE

26. As stipulated in the Basic Guidelines of State Policy of 1988, the objective of national development in Indonesia is the development of the Indonesian individual in their totality and the development of the Indonesian society as a whole. Human development is a long process which should start from infancy.

27. Being aware of the importance of children towards the achievement of the national development objectives, the Government of Indonesia responded to the International Year of the Child in 1979 with various actions, inter alia, enacting the National Law corresponding to child welfare, declaring the National Child Day and the National Decade of the Child. The concern for children is further reflected in the inclusion of various programmes in the Fifth Development Plan (1989-1994) for inter alia, health, education, religious affairs, social welfare, women, family planning and youth. All of these programmes have a common objective: supporting the development of small, happy, prosperous families as a sine qua non of the development of individual Indonesians in their totality, including the child.

28. Since child development needs various sectoral involvements and good coordination, in 1989 a Presidential Instruction was enacted and addressed the establishment of the National Council of Child Welfare Development. The Council is chaired by the Minister Coordinator for People's Welfare, and its membership consists of the Ministrs of Health, Social Welfare, Religious Affairs, Women's Affairs, Education and Culture, and Home Affairs. The Council's task is to develop a national policy and guidance for the implementation of child welfare development, either carried out by the Government or by the community, including NGOs. With the inception of Presidential Instruction #2/1989, all efforts and responses concerning child welfare development will be coordinated in the respective sectors. The task of the Council also includes the management of the Convention on the Rights of the Child, providing guidance towards the enhancement of Indonesian child welfare.

III. GENERAL MEASURES OF IMPLEMENTATION

A. Measures taken to harmonize national law and policy with the provisions of the Convention

29. Since the declaration of the International Year of the Child in 1979, Indonesia has been trying to develop various national laws regarding the betterment of child welfare. Since then several laws have been enacted: the Child Welfare Law (1979), the National Education System Law (1989), and the Population Development and the Family Welfare Enhancement Law (1992). There have also been national laws related to the protection of the child, such as the Marriage Law (1974) and the Labour Law (1948).

30. The Child Welfare Law has some similarities with the Convention on the Rights of the Child, in particular those stipulated in article 2, where the text fully reflects the provisions of the rights of the child, as follows:

"Article 2:

2.1 Child is entitled to welfare, care, foster, and guidance based on love within the family or special environment to grow and develop based on its inner potential.
2.2 Child is entitled to develop his/her ability and become a useful citizen.
2.3 Child is entitled to protection before and after birth.
2.4 Child is entitled to protection from a potentially dangerous environment which may obstruct his/her growth and development.

Article 3:

In special circumstances a child should have priority for help, assistance, and protection."

31. Recognizing the importance of human progress to pursue the quality of the human being there is another important national law corresponding to the development of the child, that is the National Education System Law. The objective of the law is to improve the people's intellectual capabilities and to develop Indonesian individuals in their totality, as people with true faith in and fear of God Almighty and of good character, having good knowledge and skills, with good physical and mental health, and responsible to their nation and society:

"Article 6: (Law No. 2/1989)

Every citizen is entitled to collect knowledge, ability and expertise at least equivalent to 9 years basic education level (6 years primary school + 3 years secondary school)...

Article 7:

Acceptance of someone to an educational institution is indifferent as to sex, religion, tribe, race, social status and economic status."

32. Recognizing also that the child is innocent and heavily dependent, particularly on his/her parents and adults, the national law on marriage stipulates the responsibility of every parent to their children, as written in article 45 of the law, as follows:

"45.1 Both parents are obliged to take care of and educate their children to the best of their ability.

45.2 The aforementioned obligation applies until the child is independent or married, the obligation applies even in the case of parental separation."

33. In the light of child protection, there are several national laws used as guidance particularly pertaining to child labour, protection against narcotic abuse and prevention of child delinquency.

34. Like other developing countries Indonesia faces many problems in eliminating child labour, which is mostly brought about by poverty. The Government is trying to implement a special programme to provide child labourers with such basic care as health and education. In relation to the protection against narcotic abuse, a special task force was established in 1976 by Presidential Decree, Bakolak Inpres No. 9.

35. Ever since Indonesia ratified the Convention on the rights of the Child there has been a constant effort to improve national laws pertaining to children, for example: law on child protection in case of parental separation; the Supreme Court Circulate No. 6, 1983, on child adoption.

B. Mechanisms to implement the provision of the rights of the child at the national, provincial and local level

36. The provision of the rights of the child basic human rights has been integrated into the national development programmes carried out by various sectors, either government or private, and community activities. Child-related problems are cross-sectoral ones pertaining to every sectoral development plan and programme. With regard to this situation and to pursue an optimal effort to provide child services a Presidential Decree was enacted in 1989: Instruksi Presiden No. 2, Tahun 1989 Tentang Kesejahteraan Anak. The objective of the decree is:

(a) To instruct the Minister Coordinator for People's Welfare and other ministers concerned to develop a coordinating policy, plan and programme pursuing the enhancement of child welfare;

(b) To coordinate the implementation of individual sectors, either government or private, solely or together, in carrying out child welfare programmes;

(c) To establish a national and provincial committee on child welfare, to evaluate and report regularly to the President on the implementation of child welfare development.

37. As mentioned previously, at the national level the committee is chaired by the Minister Coordinator for People's Welfare. At the provincial level, the committee is chaired by the Governor, and its membership consists of the respective representatives of the ministries and private organizations concerned.

38. The task and the functions of the standing committee are:

(a) To implement the national policy and, programmes through sectoral and private activities;

(b) To report annually on the achievement of the activities;

(c) To encourage community participation by enhancing community awareness of the provision of basic services for children.

IV. DEFINITION OF THE CHILD

39. According to the national laws and regulations there are many approaches to pursue the best interests of the child. Indonesia makes a distinction in its national law on the definition of the child. The upper limit of the age of the child ranges between 16 and 21 years. As stated on the Child Welfare Law, a child is a person below 21 years of age, unless he or she is married. The essence of this definition is to provide maximum protection, guidance and support to the child (either healthy or disabled) to grow optimally under any circumstances.

40. The Marriage Law states that a girl of below 16 years or a boy of below 19 years is not eligible for marriage. In other words, they are considered still to be children. The distinction of this definition is based on the biological, cultural and traditional way of life, particularly in rural areas, where the majority of the population are farmers who usually adopt a younger marriage age.

41. According to the National Defence Law (Law No. 20, 1982) voluntary enlistment into the armed forces is eligible for people of 18 years of age and over. No single Indonesian soldier or Indonesian citizen engaged in the armed forces can be defined as a child (under 18).

42. To some extent local regulations come into force to protect the child against abuse and influence of particular conditions such as pornography, etc. In this regard, the definition of a child varies between 14 and 18 years of age. With regard to alcoholic consumption, a special regulation is unnecessary, because the majority of the population are Muslim who are prohibited to consume alcohol. Community control is the most important factor to avoid alcoholic abuse among children.

V. GENERAL PRINCIPLES

A. Non-discrimination

43. The Child Welfare Law maintains that assistance and services for the child are his right, and are indifferent as to sex, religion, tribe, race, social status and economic status. In education the sex differential has been reduced, as indicated in the following table.

Percentage of children who are attending school, 1990

Age	Male	Female
5 - 6	25,7	28,5
7 - 12	91,4	91,7
13 - 15	66,8	62,9
16 - 18	44,5	37,9

B. Best interests of the child

44. According to article 34 of the 1945 Constitution the State is responsible for the poor, orphaned and abandoned children. Based on natural and traditional values every Indonesian family puts a high value on their child as a family asset. This view is reflected in numerous national laws, particularly as stipulated in article 45 of the Marriage Law, mentioned above. As a developing country, Indonesia is still facing many limitations in implementing national laws concerning the best interests of the child. These problems are shared equally by families, communities and the Government. For the low-income group, due to their economic difficulties they are unable properly to provide their children with services based on their rights. To address this situation, in the best interests of the child, the Government has launched various programmes entitled Instruksi Presiden (Presidential Instruction), to alleviate poverty, enhance equity, address poor family incomes in remote rural areas and urban slums.

C. The right to life, survival and development

45. The philosophical basis of the Indonesian State, the Pancasila, embraces humanitarian perceptions that are interlinked. The first principle of the Pancasila is belief in one Supreme God. This belief has influenced the daily life of the citizens, so that every citizen has the right to life which is given by God Almighty. This principle is also reflected in numerous national laws including the Child Welfare Law mentioned in earlier paragraphs.

46. The Government is aware that the infant and the under-five mortality rates are still high. To ensure the right to life, the Government considers that the survival and development programmes are very important. Besides the general measures taken according to the law on health and education, several related regulations are coming into force to enhance the survival rate and the development progress of children. Indonesia realizes that the role of national and community leaders is very important to support the survival and the development of children. Therefore, Indonesia joins the international movement which puts children at the centre of the development issue, such as the International Year of the Child and the World Summit for Children.

47. At the national level, Indonesia has launched a Child Decade with the objective to educate the community, especially the families, to be aware that children are family assets and also future human resources for development, to be provided with optimal care to ensure their survival and development. There are still many problems to be faced by the communities in the outer areas, particularly in eastern parts of Indonesia. Their mortality rates are still relatively high, as indicated in table II of the Annex.

48. The Government has been making some efforts to improve child welfare by establishing national and provincial Standing Committees on Child Welfare.

D. Respect for the views of the child

49. Traditionally Indonesian parental behaviour is paternalistic. Children have no right to express their views to their parents. However, modernization, as a result of a continuous development, has brought about gradual changes in parent and child attitudes, so that they are now more democratic in exchanging ideas in their family. This democratic way of life is usually found more among the younger generation.

50. In line with the change in family behaviour, the National Education System Law indicates that there are opportunities for the child to share ideas through a school organization named OSIS (Local Student Organization). In this organization pupils have the right to express their views. At the same time they also have the obligation to respect society. That is the interpretation of the integrated concept of human rights in Indonesia.

VI. CIVIL RIGHTS AND FREEDOM

A. Name and nationality

51. According to the marriage Law and the Citizenship Law a child shall have Indonesian nationality irrespective of where the child is born, whether within or outside Indonesia's territory. Every child is entitled to a national identity. A child born as a result of illegal marriage assumes the nationality of his or her mother.

B. Preservation of identity

52. The component of identity includes name, nationality, skin colour and sex. They are under protection of the law and nobody shall force children to give up their identity. According to article 8 of the Convention and the Marriage Law that the parent has the obligation to preserve the child's identity through the provision of the basic rights. Every Indonesian child usually takes their family name, either their father's or their mother's, as a civil status related to the preservation of their identities.

C. Freedom of expression

53. The implementation of article 13 of the Convention in Indonesia is in accordance with article 5 of the National Education System Law which says that everybody has the right to express his/her thoughts and wishes in the learning process. Universal education provides the opportunity for every citizen to express their thoughts as a part of the learning process either in the school environment or a wider one (community). However, within a family, traditionally and culturally, to some extent the children do not have the opportunity to express their wishes in an open forum. The new generation has different ways to nurture their children, which are more democratic; they consider each other as friends. In a formal structure such as in a school system, the Government is trying to encourage freedom of expression as a part of an self-reliance process through the establishment of the so-called Local Student Organizations and the Boy Scouts.

D. Access to appropriate information

54. Indonesian children receive appropriate information through various reading materials, radio and television. However, to protect children against hazardous information which is incompatible with the national philosophy and ideology, the Law on Publication restricts certain reading materials, videos and cassettes, particularly pornography. The Attorney General can introduce a ban with appropriate fines and sentences for violations. Some difficulties have been faced by Indonesia recently because of the introduction of satellite technology which can broadcast foreign programmes and which are not fit for Indonesian children because they are vulgar, violent, contain sex, etc.

E. Freedom of thought, conscience and religion

55. The implementation of article 14 of the Convention is in line with article 4 of the National Education System Law. The objective of the National Education System Law is to enhance the intelligence of Indonesian citizens as part of the development of the human being.

56. The Indonesian education system includes education in religion, which is in accordance with the Indonesian Constitution. In Indonesia, based on the national philosophy, one respects individual development based on religion. There are five religions, namely Islam, Catholic, Christian, Hindu and Buddhist. Although more than 90 per cent of Indonesian citizens are Muslim, Indonesia does not accept a minority or majority concept. Every citizen has the right and freedom to practise any religion according to their faith.

F. Freedom of association and of peaceful assembly

57. Indonesia's 1945 Constitution stipulates that every citizen has the right of association and peaceful assembly. The implementation of the Constitution has been elaborated in accordance with the Law on Political Parties and also with the Law No. 8, 1985 on Social Organization.

58. In fact, Indonesian children have their own assemblies. These are the Local Student Organizations and the Boy Scouts Association. Every year the Local School Organization and the Boy Scout Association hold a national gathering to discuss programme activities and the organization of a forum to exchange views and ideas.

G. Protection of privacy

59. According to the national philosophy, Pancasila, Indonesia respects the rights of every individual including his or her privacy as citizens. However, Indonesia has its own perception of human rights, which follows an integrated concept. Every citizen has rights, but also has obligations as a member of society.

60. The protection of the privacy of children in Indonesia, in regard to the privacy of the family, is in accordance with the integrated perception.

H. The right not to be subjected to torture or other cruel, inhuman, or degrading treatment or punishment

61. Article 45 of the Penal Code defines the punishment for the use of torture or other cruelty, including beating, on children. In general, the implementation of the Penal Code has been carried out by the judicial system. However, in the family and society some injuries to children still occur and are left unpunished, because the society regards the incident as guiltless.

62. Indonesia is still facing many difficulties in such cases, because community awareness to report these incidents to the respective authority is very low. To some extent the role of the press is very helpful in bringing this issue before the public.

VII. FAMILY ENVIRONMENT AND ALTERNATIVE CARE

63. In Indonesia, based on religion, culture, and tradition, a household may consist of parents and their children and also grandparents.

A. Parental guidance and parental responsibility

64. In daily life and according to the marriage Law, parents are responsible for, and have an important role to nurture, their children as a part of the socialization of their children. According to the Child Welfare Law, particularly article 9, parents have the main responsibility to develop the child's welfare either physically or mentally and spiritually, and their social well-being. That responsibility is valid until the child gets married and becomes an adult.

65. Parental guidance and responsibility to improve human quality have been incorporated in the National Development Programme entitled Bina keluaga Balita or the Development of the Under-5 Family. The services rendered to the children are enjoyed by to the entire Indonesian family. Although the main responsibility to take care of the child belongs to the parent, the Government is keen to support low-income families. In the rural areas the Government has launched a special programme entitled Inpres Kesehatan.

B. Separation from parents

66. Children have the right to live with their parents and according to the marriage Law, even in the case of divorced couples, the parents should continue their obligation to watch over their children. Since Indonesia adopts an extended family norm, and under the influence of religion and tradition and in the spirit of the Pancasila philosophy, when children are separated from their parents, due to particular reasons, the care of the children will be taken over by their relatives. If there are no relatives responsible for the separated children, the Government and the society will take responsibility.

67. There are about 4,305 foster care centres in Indonesia.

C. Family reunification

68. According to the Marriage Law, the Government assures family reunification as long as it conforms to article 42. The Indonesian culture supports family reunification without examining the cause of the separation of the children from the family.

69. Since Indonesia has had no experience in handling refugees, except for boat people that receive special treatment in that Galang area, and the implementation of inter-country adoption is very scarce, Indonesia will share with other countrys' their experience about the matter.

70. Indonesia supports the ideas of the International lawyer Society to conduct an international agreement to support family reunification, which will be held in Amsterdam in 1993.

D. Recovery of maintenance for the child

71. In accordance with the 1945 Constitution, particularly article 34, the Government is responsible to take care of the poor and the abandoned children. The implementation of the Constitution carried out by the Department of Social Affairs. At the end of the fifth Five Year Development Plan (1994), 2,500 social organizations will participate in addressing this aspect. With regard to Indonesian children living abroad, the Indonesian Government is still exploring international cooperation to carry out such particular services.

E. Children deprived of a family environment

72. According to article 10 of the Child Welfare Law the State is responsible for providing protection and care to children who live in a deprived family environment either temporarily or permanently. The implementation of this law is supported by the religious influence so that the community is obliged to establish various kinds of foster care institution. The Government has established a special foundation named Dharmais Foundation to provide attention to children deprived of a family environment. The programme of the Dharmais Foundation is to support theeducational activities for children, and give them opportunities to participate in the development process. Another foundation, named Yayasan Sayap Ibu, has special interest to foster the orphaned.

F. Adoption

73. Although a special law on adoption does not at present exist in Indonesia, because of tradition and religious beliefs the adoption process has been carried out smoothly. To some extent, Indonesia has faced problems in inter country adoption. To overcome this, a special regulation has been circulated under Supreme Court Circular No. 6, 1987. To prevent child abuse carried out through adoption, the Minister of Social Affairs has appointed certain foundations and given them authority to handle inter- country adoptions. To give assurance to children adopted abroad, Indonesia welcomes the european Convention on the Adoption of Children. However, the implementation of inter-country adoption will be carried out in accordance with the Indonesian Supreme Court Circular.

G. Illicit transfer and non-return

74. Since the illicit transfer of children usually is through inter- country adoption and the number of the incidents is very small, Indonesia has no experience to report on it. Meanwhile, according to article 297 of the Penal Code, the illicit transfer of children is against the law.

H. Abuse and neglect

75. To protect children against all forms of physical, mental, violence, injury, abuse and neglect, laws have been enacted such as the Penal Code article 301, the Child Welfare Law, article 11, and especially for drug abuse, Presidential Instruction No. 6, 1971. Meanwhile, due to low awareness of the community of child abuse and neglect, many cases which can be categorized as abuse and neglect are still found within the community.

76. To prevent and minimize such cases, the Government has carried out a special measure emphasizing community education on child abuse and neglect. In July 1992, a special seminar on child abuse was carried out by Dharma Wanita (a civil servants' wives organization) and attended by 500 participants. A programme on street children was launched with the objective on preventing child abuse and to promote child development, entitled "Program Esok Penuh Harapan" (Hopes for Tomorrow).

I. Periodic review of placement

77. Indonesia has not yet had any experience to report on this matter.

VIII. BASIC HEALTH AND WELFARE

78. According to the Preamble to the 1945 Constitution, every citizen has the right of welfare, intelligence, and a decent standard of living, to beable to contribute to world peace and order based on independence, external peace and social justice. To implement this message a new health law was enacted in 1992 with the objective that every individual citizen has equal rights to optimal health standards.

A. Survival and development

79. Through regular and consistent five-year plans, the Government has carried out programmes to enhance child survival and development. Health centres and primary schools have been established throughout the country. Health and education services have achieved a substantial impact. Infant mortality has been decreasing, from 63.8 in 1985 to 51.5 in 1990, and the under-5 mortality rate is decreasing, from 80.6 in 1985 to 63.0 in 1990. The general participation rate for basic education has increased from 78.1 per cent in 1985 to 83.6 per cent in 1990; the pupil per teacher ratio for those years was 23.4 in 1985 and 20.6 in 1990, while the pupil per class ratio was 31.2 in 1985 and 29.8 in 1990.

B. Disabled children

80. According to the Constitution disabled children have equal rights to services as an ordinary child. To promote intelligent and skilled children, special schools have been established with special dormitories suited to the needs of the disabled child. At present, there are 200 schools with 350,000 disabled children. People are still reluctant, however, to register their disabled children. Because of a lack of knowledge to detect disabled cases, Indonesia is still facing some problems collecting accurate figures of disabled cases. A programme has been launched in Surakarta (Central Java), named "Community-Based Diagnostic and Rehabilitation Programme for Disabled Children". Through this programme the Government hopes that services for disabled children will be provided more widely to the needy.

C. Health and health services

81. The Government is aware of the importance of reducing the infant and under-5 mortality rates and the related factors as a part of the human development. According to article 4 of Health Law No. 23, 1992, every individual has the right to obtain the highest degree of health standards and

the right to obtain health care. A comprehensive health care system has been established to carry out child and maternal health, nutrition, provision of safe water, immunization, health education, family planning and a campaign on breast-feeding. Further information on government activities to provide services to children can be examined in table III of the annex.

D. Social security

82. Taking into consideration the traditions and religious factors adopted by the Indonesian community, the family network is the major institution to provide insurance of child survival and development. Indonesia is still seeking a national insurance system. For some groups there are insurance systems (for the government civil servants and the armed forces, privatemedical insurance systems, life insurance systems, accident insurance systems, etc). In the villages particularly, women organizations try to develop a local insurance system called Dana Sehat. This system offers services for the villagers, particularly mothers and under-5s.

E. Standard of living

83. In 1990, Indonesia's per capita income was $550, the daily calorie consumption per capita was 2015 Kcal, and the daily protein consumption per capita was 48 grams. (see also table V of the annex). Although the overall picture representing the standard of living has improved, Indonesia still faces problems of malnutrition, particularly among the under-5s. In 1990 about 54 per cent of the under-5s had a good nutrition status, and approximately 1 per cent of the under-5s a poor nutrition status. Mostly, the poor nutrition status is found in remote areas with a lack of knowledge of nutrition. Since 1984 Indonesia has become a rice self-sufficient country.

IX. EDUCATION, LEISURE AND CULTURE

A. Education, training and guidance

84. The Indonesian Constitution of 1945 explicitly states that the Government has the obligation to develop one single national education system, based upon the Pancasila philosophy and the 1945 Constitution. In the course of time, since the achievement of national independence, various laws dealing with education and instruction have been promulgated. An improved integrated national education law covering all activities and programmes relating to education was enacted in 1989. The objectives of the national education efforts are to improve the people's intellectual capabilities and to develop Indonesian individuals in their totality, as people with true faith in and fear of Almighty God and of good physical and mental health, a solid and independent personality and true feelings of responsibility for the nation and society.

85. The Government is the principal source of funding for all educational activities. Starting with the fourth Repelita or Five-Year National Development Plan (1984-1989), a decentralization policy has been introduced, which implies that the responsibility for planning has been transferred from the central Government to the provincial and district administrations. It should also be noted that private institutions and non-governmental organizations also have contributed much to shouldering the expenses for the achievement of the national education objectives.

86. The 1989-1994 Five-Year Development Plan also projected compulsory basic education. The Education Law of March 1989 defined basic education as a six-year primary cycle, plus another three-year secondary school cycle. There are plans that by 1994 compulsory education will involve a nine-year cycle, instead of the current six-year cycle. This would mean that children will have to attend school until the age of 14.

87. All public schools follow a uniform curriculum compiled by the Ministry of Education and Culture. The private religious schools, mostly Islamic, combine religious and academic instruction. The religious schools are under the supervision of the Ministry of Religion.

88. Children start their school education at the age of seven. Before entering primary school, there is a trend among parents to have pre-school-age children attend kindergartens or play-groups. These institutions are usually run by private organizations.

89. Indonesian schools are mostly coeducational. The junior secondary schools usually have a three-year course and provide primarily an academic education, without any vocational training. But there also exist vocational schools at the junior secondary level. The senior secondary schools also provide a three-year course for students who have successfully finished the junior secondary school courses. There are also vocational schools at the senior secondary school level, including commercial secondary schools, technical secondary schools and home economics secondary schools.

90. Higher education is offered at public universities, at teacher training institutions and also at polytechnics. At the higher education level, private participation is quite substantial.

91. There are also special schools for handicapped children. Unfortunately, they are small in number and are heavily concentrated in larger cities.

92. Classes at the elementary schools are somewhat large, with about 40 children per class. Some schools run their classes in two shifts, with morning and afternoon classes. It was recently reported that in some places the enrolment of first grade elementary school pupils has been declining. This phenomena can be assumed to be due to the success of the national family planning programme.

93. The following are some statistics on school attendance in Indonesia:

Type of School	Number of Pupils		
	Public	Private	Total
Kindergarten	9,194	1,598,080	1,604,254
Special schools	1,831	20,797	22,628
Primary schools	24,457,082	1,891,294	26,348,376
Junior secondary schools	3,430,843	2,155,278	5,686,118
Senior secondary schools	613,093	2,287,574	3,900,667

94. In public schools enrolment is free of charge. However, it must be noted that the drop-out rate is high, reaching 4.14 per cent. The reasons for dropping out are not yet clear, but it may be assumed that economic problems faced by the parents could be the main reason. Many of the children have to assist their parents on the farm or on fishing boats, orhave to earn money by hawking food or cigarettes, or working as newspaper or shoeshine boys.

95. When the parents face economic problems, usually daughters give up school. Sons still have the opportunity for formal schooling. It will take some time before the parents can be persuaded that the opportunities for schooling, which give the children better chances for success, should not be influenced by gender. This should not be interpreted to mean that the girls are given less opportunities by law. The National Education System Law gives all citizens equal rights and opportunities to study, without any discrimination as to gender, religion, ethnic group or race.

96. To prevent school-age drop-outs from backsliding into illiteracy, the Government has published a series of book packages aimed to continually develop or maintain literacy. Such skills will be demanded at the workplace in civic, community and personal functions. Newspapers are especially designed for distribution in rural areas, for display at notice boards and also are made available at village community centres. Education programmes are also broadcasted by radio and television.

97. The National Education System Law also stipulates that libraries should be available at all schools to promote and support independent studies (art. 35). However, as yet only a few schools have their own libraries. To meet this need in the absence of school libraries, children make use of public district libraries, mosque libraries and mobile libraries circulating in the villages.

B. Leisure, recreation and cultural activities

98. In addition to formal school education, children are also given opportunities for self-development according to their individual inclinations. A variety of sports and art activities are available outside of school: OSIS (Local Student Organization), the Pramuka (Indonesian Boy and Girl Scouts) movement, the Karang Taruna (Community Youth Association) and Youth Red Cross Organization.

99. The Praja Muda Karana (Pramuka) movement, the successor to the Boy Scouts Movement, is aimed at developing character and patriotic feelings among young children. This movement is non-political, non-military, and non-sectarian and is sponsored by official, religious, national and labour organizations. Pramuka and Red Cross activities have now been included in the school curriculum. In the Pramuka organization there are usually three groups or divisions, based on age. The Siaga group consists of children between the ages of 8 and 12 years. The Panggalang group is for children aged 12 to 15 years, and their leaders are named Pembina. The Karang Taruna is a collective activity of young people in the field of non-formal education. Its activities are organized at the village level and have existed since 1961. Its purpose is organizing the young people at the village with the following objectives:

(a) Establishing harmony and concord;
(b) Preventing egoism among the young people;
(c) Promoting sports, the arts and culture;
(d) The prevention of juvenile delinquency;
(e) Assisting communal activities; and
(f) Boosting self confidence

100. In support of the Child Welfare Law, the Government offers significant opportunities to the community, NGOs and organization to develop and provide recreation facilities, playgrounds and sports facilities in every residential area, in particular for the recently constructed residential estates.

X. SPECIAL PROTECTION MEASURES

101. According to Indonesian tradition, a family is the safest institution for the protection of its members, including children. The family provides physical, mental and spiritual protection, and gives guidance to the child to be able to live as a good and gentle person in society. In particular cases, the Government and the national law offer protection to the child.

A. Children in situations of emergency

1. Refugee children

102. Indonesia has not prepared an explicit law on refugees. The flow of foreigners is covered by the law on immigration. Refugees such as those called boat people are, in cooperation with UNHCR, temporarily placed in isolation and do not interact with local people. The temporary placement is provided on humanitarian grounds before a final destination to a resettlement country.

103. The Government is committed to provide services for children on humanitarian grounds, namely basic health care for under-5s, education and social activities so that children can live in a normal and healthy living environment.

2. Children in armed conflicts

104. Fortunately, since 1966 the political, social and economic situation in Indonesia has been stable. Thus, Indonesia has not had any experience in offering services for children in a region having armed conflict. Meanwhile, according to article 3 of the Child Welfare Law, in any circumstances including in an emergency situation, children should be protected first.

B. Children in conflict with the law

105. At present the Government is still preparing the promulgation of the Juvenile Law. The Penal Code makes it clear that legal action against juvenile offenders is aimed at educating them and helping them to redress their misdeeds. Under the Minister of Justice Regulations, in 1983 a council was established named Balai Bimbingan Kemasyarakatan dan Pengentasan Anak. The function of the council is to provide social guidance for court materials, guidance to the child to become a good citizen, and to assist a child in a court proceeding.

1. Children deprived of their liberty

106. Liberty depriviation is overcome through an educational approach. Accused under 16 can be returned to parent, taken care of by the State or sentenced but not revenged. An accused child can be educated by the State in a special arrangement or educated by an appointed institution in a special arrangement.

2. The sentencing of juvenile offenders, in particular the prohibition of capital punishment and life imprisonment

107. Death sentences and life sentences apply only to adults. The maximum sentence for children if 15 years'imprisonment.

C. Children in situations of exploitation, including physical and psychological recovery and social reintegration

1. Working children

108. According to the Labour Law, the child is defined as a person below 14 years of age. Protection is applied to particular employment such as working at midnight, prohibition against children working in a closed room, in harbours, railways, the mining industry, etc. To protect children further there is some limitation on the hours of work, that is not to exceed four hours per day.

109. Some families have low income and, according to the tradition of mutual assistance (gotong royong), Indonesia faces problems of children who work in informal sectors. The 1990 population census indicated that 2,236,900 children out of the total number of 10-14-year-old children in Indonesia are economically active. To prevent the negative effects on working children, a pilot project on the elimination of the negative effects on working children will be carried out in cooperation with the ILO. In 1994 Indonesia will carry out a universal education programme. One of the targets is to provide education services for school-age children who have no ordinary schooling because they are working. The Government is planning to force factories employing children to provide education and health services.

Percentage of economically active 10-14-year-old children

	Urban		Rural		Urban/Rural		Total (thousands)	
	1980	1990	1980	1990	1980	1990	1980	1990
Male/Female	3.7	4.6	13.2	12.8	11.1	10.4	1,958.2	2,236.9
Male	3.2	4.3	15.3	15.0	12.8	11.9	1,163.9	1,313.6
Female	4.2	5.0	10.9	10.5	9.4	8.9	794.3	923.3

2. Drug abuse

110. The National Law on the protection and prevention of narcotic abuse was enacted in 1976, and followed up by the Ministerial Decree on Health No. 363, to supervise the use of psychotropic drugs and narcotics by the medical services. To prevent children (school children) from abusing drugs the Minister of Education, in cooperation with the Minister of Health, issued Ministerial Circular No. 388, 1980.

111. In Indonesia the number of drug victims is relatively small. The Government is aware of the importance of drug problems throughout the world. A presidential instruction has been enacted appointing a special body to be responsible to handle drug problems.

112. The participation of the community in the prevention, cure and rehabilitation of drug addicts is very important to the solution. A foundation has been established, named Bersama. The main function of Bersama is in the field of community education on prevention of drug abuse. The role of religious leaders and religious groups, particularly in the rehabilitation, is also appreciated by the society.

3. Sexual exploitation and sexual abuse

113. By definition, child prostitution is a case where a child of below 16 years of age is employed in prostitution. Due to the religious influence and strong control of the community, child prostitution and sexual exploitation are not prevalent in Indonesia.

114. According to Penal Code No. 287, prostitution and other pornographic activities are prohibited with a maximum sentence of nine years in prison.

115. The implementation of the national law to prevent child prostitution is facing problems due to the difficulties in recognizing the exact age of the prostitute and to the low level of education and awareness of the community.

XI. CONCLUSION

116. The ratification of the Convention on the Rights of the Child by Indonesia and the implementation of the Convention shows that Indonesia is committed and respects human rights in general and the rights of the child in particular. What Indonesia is doing in this regard is in conformity with the Indonesian Constitution and its traditional norms of what is the best for the child.

117. Over the last two years, despite numerous difficulties, Indonesia is trying to implement the Convention on the Rights of the Child by harmonizing its national laws with regard to the Convention. Furthermore, Indonesia is starting to disseminate the Convention to various outstanding groups of society, such as lawyers societies, medical societies, women's societies, and in particular organizations concerned with children.

118. To ensure that the child is a part of the national development movement, the Government has the intention to incorporate child issues into the proposed General Guidelines of State Policy, which will be decided by the People's Assembly in march 1993.

119. Indonesia welcomes the international organizations, especially the Commission on the Rights of the Child, to assist in the implementation of the Convention of the Rights of the Child.